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Education Committee  
January 23, 2017

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[LB103 LB109 LB235]

The Committee on Education met at 1:30 p.m. on Monday, January 23, 2017, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB103, LB109, and LB235. Senators present: Mike Groene, Chairperson; Rick Kolowski, Vice Chairperson; Laura Ebke; Steve Erdman; Lou Ann Linehan; Adam Morfeld; Patty Pansing Brooks; and Lynne Walz. Senators absent: None.

SENATOR GROENE: Welcome to the Education Committee public hearing. My name is Mike Groene. I'm from North Platte, Nebraska, and I represent the 42nd Legislative District, which is Lincoln County. I serve as Chair of the committee. The committee will take up the bills in the order posted outside the door. Our hearing today is your public part of the legislative process, this is your opportunity to express your position on the proposed legislation before us today. We are very unique in Nebraska that the one-house system, that you are the second house. To better facilitate today's proceedings, I ask that you abide by the following procedures: please turn off cellphones and other electronic devices; and I will soon take my own advice. The order of testimony is introducer, proponents, opponents, neutral, and closing remarks by the introducer. If you will be testifying, please complete the green form and hand it to the committee clerk when you come up to testify. They're at the back of the room on both sides. If you have written material that you would like distributed to the committee, please hand them to the page to distribute. If anybody here has a letter that they just want to give for any of the bills, bring them right away, don't wait for the bill to be heard. It gives the clerk more time to get it passed out. We need 12 copies for all committee members of any handout. If you need additional copies, please ask a page to make copies for you now. When you begin to testify, please state and spell your name for the record. Please be concise, we're going to request you go five minutes. The green light will be on for four minutes, the yellow for one, and then when the red light comes on try to finish up. Then stay around, you might have questions from senators, and then we will dismiss you when that's done. If you would like your position to be known, but do not wish to testify, please sign the white form at the back of the room, and it will be included in the official record. Please speak directly into the microphone so our transcribers are able to hear your testimony clearly. The committee members with us today will introduce themselves, beginning at my far right.

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SENATOR LINEHAN: Lou Ann Linehan, western Douglas County.

SENATOR KOLOWSKI: Rick Kolowski, District 31, southwest Omaha.

SENATOR EBKE: Laura Ebke, District 32, which is just southwest of here.

SENATOR MORFELD: Adam Morfeld, District 46, northeast Lincoln.

SENATOR ERDMAN: Steve Erdman, District 47, 80 percent of the Nebraska Panhandle.

SENATOR WALZ: Lynne Walz, District 15, all of Dodge County.

SENATOR GROENE: Senator Pansing Brooks has not informed us that she will not be here, so I expect her to probably walk in at any time. To my immediate left is legal counsel, LaMont Rainey. He's the committee counsel, actually. To my right, at the end of the table, is committee clerk, Kristina McGovern. And Mandy, who was clerk the previous years, is here to help Kristina because this is her very first time as clerk, her new job. Our pages are Alexi Richmond and Samuel Baird, they're both students at the University of Nebraska. Please remember that senators may come and go during our hearing, as they may have bills to introduce in other committees. I'd also like to remind our committee members to speak directly into the microphones. Also for our audience, the microphones in the rooms are not for amplification, but for recording purposes only. Lastly, we are an electronics-equipped committee, and information provided electronically, as well as in paper form. Therefore, you may see committee members referencing information on their electronic devices. Be assured that your presence here today and your testimony are important to us and is critical to our state government. So we will start with Senator Murante introducing LB103.

SENATOR MURANTE: Good afternoon, Chairman Groene, members of the Education Committee. For the record, my name is John Murante, J-o-h-n M-u-r-a-n-t-e, I represent the 49th Legislative District, which includes Gretna, Chalco, and northwest Sarpy County. And I am here today to introduce LB103. LB103 is the result of many meetings my office has had within the Learning Community who have children identified as high ability learners. In talking to those

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parents, what I have learned is that there are areas where our schools can improve in helping HAL continue to grow and exceed on the trajectory that they're currently on. LB103 requires schools within the Learning Community that provide an accelerated curriculum or differentiated program for HAL must establish a focus group to further determine and address the needs of high ability learners. The bill continues by laying out the objectives of the focus group and who is to participate in the focus group. As a point of clarification, one of the questions regarding this bill is why it's needed when similar language exists in the Nebraska Department of Education's Rule 3. However, Rule 3 does not create a formalized structure. The language in the bill centralizes the role of the parent by creating the focus group and reinforces the importance of making sure programs are adequately carried so that our high-achieving learning kids can succeed. So this committee, Senator Kolowski and the members who have been on the committee for a while, I believe Senator Morfeld as well, may recall a bill that I introduced a couple of years back that was brought to me by Millard parents with respect to tornado drills and how school districts ought to operate on that. This Education Committee advanced that bill to the Legislature, the Legislature passed it, and the Governor signed it. I consider this very similar in terms of process to that, where a group of parents came to me with a concern, I worked with this committee to find the best approach to address those concerns, and we got it done. And it's my intention to do that same process with you on this bill. And with that, I would be happy to answer any questions that you may have. [LB103]

SENATOR GROENE: Any questions from the committee? Senator Kolowski. [LB103]

SENATOR KOLOWSKI: Thank you, Senator Murante. With the 11 school districts in the Learning Community, you said you met with some of those districts. How many districts did you meet with? Those are very widespread of course. [LB103]

SENATOR MURANTE: Well, sure. The parents that I met with were parents of Millard Public Schools. And this bill addresses those specific concerns. I have received communication with Millard Public Schools, but that has been the primary focus, since that was the genesis of the discussion to begin with. [LB103]

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SENATOR KOLOWSKI: So no other Learning Community districts were touched in the conversation or the points you were trying to get to? [LB103]

SENATOR MURANTE: No, I haven't had a chance to communicate with them yet. What we have, I tried to narrowly tailor the bill so it didn't apply statewide. But I fully anticipate before we act on this we will have all of their opinions before they proceed. [LB103]

SENATOR KOLOWSKI: Another question would be why the Learning Community districts? That's a third of the students in the state, you have two-thirds that aren't being touched by this. [LB103]

SENATOR MURANTE: Sure. And that's because what the issue that was brought to me was a narrow one from one specific school district. I haven't heard concerns outside, and I should, when I say school districts, I don't even want to imply, because they don't believe this, that the parents of high ability learners within Millard Public Schools are receiving poor treatment or inadequate. The communications I have had is most of them believe that the buildings they are in are receiving great quality of education, it's moving forward they have a...when they transition out of schools and into new schools, from elementary to middle school, there seems to be a disconnect. And that is really what they are trying to address. So why isn't it statewide? Simply put, it was brought to me by one group and we narrowly tailored the bill to focus on that area. With that said, if the members of this committee believe that it is good public policy to apply it statewide, I have no objections to that. [LB103]

SENATOR KOLOWSKI: I wanted to just elaborate on that, as far as the why the Learning Community only. The system that Millard uses, which I'm very familiar with, has worked very well for them for a long time. And the people you've talked to or person you've talked to approached the Millard district and talked with them on these issues, or did they come straight to you? [LB103]

SENATOR MURANTE: It's been both, is my understanding. There has been communication between the parents and the school district and the parents and me. [LB103]

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SENATOR KOLOWSKI: Okay, thank you. [LB103]

SENATOR GROENE: Senator Murante, the Learning Community still exists and it has its board. Is there already a Learning Community-wide high ability learners program? [LB103]

SENATOR MURANTE: No, I don't believe the high ability learners program falls under the jurisdiction of the Learning Community itself, if that is what you're asking. No, I don't believe that's accurate. [LB103]

SENATOR GROENE: So you're not amending existing statute that's part of the directive. You're adding high ability learners to their directive of the Learning Community in existing statutes. Is that correct? [LB103]

SENATOR MURANTE: No, I don't think we're doing anything with respect to the jurisdiction of the Learning Community Coordinating Council itself, but rather the school districts which lie within the Learning Community. [LB103]

SENATOR GROENE: So this doesn't flow through the Learning Community itself, you're just using those as a descriptive of the schools you're trying to affect. [LB103]

SENATOR MURANTE: Yes, that's correct. But I don't believe it changes the governance or any other such thing within the Learning Community...of the Learning Community Coordinating Council itself. No, that's not what I'm attending to achieve and I don't think that's the way the bill is written. [LB103]

SENATOR GROENE: Yeah. Focus groups, are they...they're not uncommon. The school districts use those for different activities, don't they? [LB103]

SENATOR MURANTE: No, they're certainly not. I can tell you in my communications with Gretna Public Schools, Dr. Riley, his reaction was one of, you know, they meet with parents from a wide variety of different issues and specialties within the school district. That happens all the time. His view was this was just another one. [LB103]

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SENATOR GROENE: Thank you. Senator Erdman. [LB103]

SENATOR ERDMAN: Thank you, Senator Groene. Senator Murante, as you heard this morning on the floor, I'm learning. And I listened to "Professor" Schumacher and Senator Chambers about words have meanings and all those things. And I see that in several places it says: shall establish a learners focus group. And then it talks about shall do certain things. What happens if they don't? [LB103]

SENATOR MURANTE: There's no recourse in the bill in terms of like a punishment for school districts ignoring the law. I think my observation of both school districts and political subdivisions broadly is if this Legislature enacts a law that changes how they are supposed to operate, they typically do that. They take that as part of their responsibility. [LB103]

SENATOR ERDMAN: So is there somewhere in the bill described how they develop this focus group? [LB103]

SENATOR MURANTE: Yes, it's described both... [LB103]

SENATOR ERDMAN: And let's say there's parents and anybody else from statewide organization and advocates. [LB103]

SENATOR MURANTE: Exactly. Correct, exactly. [LB103]

SENATOR ERDMAN: I thought I read in there somewhere it said the majority of the group should be parents, is that correct? [LB103]

SENATOR MURANTE: It includes...so if we go to Page 3, starting on Line 27, we start getting into what needs to be included within these focus groups. And we include parents, teachers, administrators, and so forth. And that continues through Page 4, Line 12. [LB103]

SENATOR ERDMAN: I believe the answer is on Line 10 on Page 4, "The majority of each focus group shall be made up of parents." Yeah, I'm sorry, I didn't... [LB103]

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SENATOR MURANTE: Right. Well, parents of the learners, yeah. Absolutely. [LB103]

SENATOR ERDMAN: Thank you. [LB103]

SENATOR GROENE: Excuse me. Who was first? Sorry, Lou Ann. [LB103]

SENATOR LINEHAN: Thank you, Mr. Chairman. I've gotten quite a few emails from across the state on this, that they've, from teachers and parents, that is was important. So I think there probably is some interest with it not being just the Learning Community. But also I just...what was brought to me, and I could understand this, is there the coordination between maybe the elementary school to the junior high to the high school. It's not...there's certain school districts or certain schools that are doing a very good job, but it's...the purpose of the bill is to kind of have the district focus from K-12, these kids, so there's a clear pipeline and they don't have to be, you know? They don't have a great sixth grade program and then go into a seventh and eighth program that is nonexistent. Was that your understanding from the concerns? [LB103]

SENATOR MURANTE: I think you have ably defended the bill, Senator Linehan. [LB103]

SENATOR LINEHAN: I just wanted to qualify if my understanding was... [LB103]

SENATOR MURANTE: Sure, absolutely. That's the intent, yep. [LB103]

SENATOR LINEHAN: Thank you. [LB103]

SENATOR GROENE: Senator Pansing Brooks. [LB103]

SENATOR PANSING BROOKS: Thank you. Thank you, Senator Murante. I guess, as I am looking through and wondering about it and representing Lincoln Public Schools, why did you just focus just on the Learning Community? Why not across the whole state, Senator Linehan's (inaudible)? [LB103]

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SENATOR MURANTE: Sure. And as I said to Senator Kolowski, my intention was exclusively the purpose of narrowly tailoring the bill to apply to address the specific concerns of the parents who brought the issue to my attention. I don't have any policy reason to exclude it just to the Learning Community beyond that. I don't have any reason to believe that applying it statewide would be a bad idea. I would be supportive of it if that's what this committee wants to do. But as with this, and any other legislation that I introduce, if it's narrowly...if the legislation exists for the purposes of addressing a specific problem, I attempt to craft the bill to address that specific problem and not a broader. [LB103]

SENATOR PANSING BROOKS: Okay. And I guess just speaking to the problem is the problem that they're not, with the differentiated education that's already happening across the state, it's not sufficient for the high ability learners? [LB103]

SENATOR MURANTE: Well, I think in some cases I think the answer to that questions is yes. I don't think that we could say... [LB103]

SENATOR PANSING BROOKS: Yes, it is enough, or yes, it's not enough? [LB103]

SENATOR MURANTE: That there are instances where the high ability learning programs within buildings are insufficient. And I think, as I looked through the Rule 3 responses, you could kind of tell that the principals of the schools who put a priority on high ability learning programs and those who just did not. If you look at the Rule 3 reports, some of them are extremely sparse, the level of detail just doesn't exist. And in some cases, you see an extraordinary level of detail, so I'm not even sure that it's a district-wide problem, but rather a building by building issue. [LB103]

SENATOR PANSING BROOKS: Okay. So now I'm interested in why, if it's a focus group, why is there a necessity for a state law to demand that a focus group be created? [LB103]

SENATOR MURANTE: Because the focus groups don't currently exist and there are parents who don't think they're getting the information that they need. [LB103]

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SENATOR PANSING BROOKS: Okay, thank you. [LB103]

SENATOR GROENE: Senator Kolowski. [LB103]

SENATOR KOLOWSKI: Senator Murante, knowing the districts as well as I do from the Learning Community experience I've had, almost 38 years in the Millard District, there are districts that have these focus groups. Is it the job of the Legislature to demand and put new restrictions on school districts, when they have their elected board of education working with their district on any gaps they might have in any program, not just high ability? Is it not their duty and their responsibility to fill those gaps as they see fit during tight money situations in their districts and in our state at the current time? Respond to that, please. [LB103]

SENATOR MURANTE: Sure, sure. I would say the responsibility of educating the students in the best way possible is both the responsibility of this Legislature and the responsibility of the school districts. And much of what is contained in education law, as well as many other...the principle you were talking about is not just exclusive to school boards, but also to any political subdivision. We can start recounting all of the times where we say this is the best way to proceed to our political subdivisions. I've got a Government Committee that has about 50 bills in it right now that deal with that specific question. So I am a person who is extremely concerned about passing on unfunded mandates to political subdivisions. With that said, I don't believe this costs anything, so I don't believe that this is an unfunded mandate or that it will be any burden to the school districts. I just think it's good public policy. [LB103]

SENATOR KOLOWSKI: If the expansion in the district of high ability students takes place because of their board or mandated by us, are we going to be able to afford the things that they'll be demanding and needing in the future, or do they cut it out of other areas. [LB103]

SENATOR MURANTE: Well, I would say if the product of this bill is that our public school districts have more high ability learners, I would consider this my single greatest accomplishment as a legislator. And if we can all say that we voted for a bill which increased the number of high ability learners in the state of Nebraska, that is something we should all be proud of. [LB103]

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SENATOR KOLOWSKI: Exactly. But is that our responsibility or is it the responsibility of the locally elected school district? [LB103]

SENATOR MURANTE: The outcome of education in this state is both of our responsibilities and that is evidenced by the fact that we give a billion...we think it's important to allocate a billion dollars to the school districts of this state. That's how important we think it is and I think this is just a continuation of that. [LB103]

SENATOR KOLOWSKI: And I administered programs before we had high ability money for this state and we had to take it out of our hire. As a school district, as a building, before anyone else could do any of those particular things that we thought were important for those high ability kids. And their high perform...we were blessed with many, many students who exceed to a high extent our desires as a state. And we hope to continue that, but there could be a fiscal note in the future if things would grow. We hope they will grow, so there would be a greater demand. But that's not to negate the possibility of the districts taking that on and doing that when they're ready. They know their (inaudible), they know their situations, and the talent they have to organize and run those programs in their particular districts. Again, I question the ability of, not that we don't have the right to do that, but I question our getting into this level of specificity with the district and then have that possibly come back to us in some different way that we're not anticipating. I really hesitate in the sense of getting into the work of the school board and a school board member. [LB103]

SENATOR MURANTE: And I would say, Senator Kolowski, my reaction to your statement is not one of concern. My focus with this bill wasn't primarily to increase the number of high ability learners, but if I accept that argument as valid and that this bill will increase high ability learners, then I don't think we can wait. I think we should amend this bill and have an emergency clause attached to it. Because if it's really that good, if it's really that effective, we need to get going as quickly as possible. [LB103]

SENATOR KOLOWSKI: And we have a situation where we have not met special ed funding up to the level we should be doing in the state for decades. [LB103]

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SENATOR GROENE: Thank you, Senator Kolowski. This is not the issue today. Senator Ebke. [LB103]

SENATOR EBKE: Thank you, Senator Murante, for bringing this bill. Let me ask you a few questions to make sure that we're all clear about what it does, okay? First of all, this bill doesn't mandate that any district has high ability learner programs, right? [LB103]

SENATOR MURANTE: That's already...the high ability learning program is a state law already, yes. [LB103]

SENATOR EBKE: But it doesn't do anything additional? [LB103]

SENATOR MURANTE: Correct. [LB103]

SENATOR EBKE: But what it does require is that for those schools in the Learning Community, and it's not a bad thing elsewhere, that if you have a high ability learner program, you communicate with the parents effectively, right? [LB103]

SENATOR MURANTE: That is...that's it, yes. That's correct. [LB103]

SENATOR EBKE: Okay. And so, you know, as a... [LB103]

SENATOR MURANTE: And can I elaborate on that a little? [LB103]

SENATOR EBKE: Please. [LB103]

SENATOR MURANTE: It's more than just a you communicate with the parents. It creates a conversation between administrators, teachers, and parents about how to develop the program. So it's not just a one-directional conversation, that's not the intent. It's the intent is to facilitate a conversation among all the stakeholders. [LB103]

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SENATOR EBKE: And I wonder if this doesn't relate back in a way, this takes the place of, for instance, IEPs for special education and so forth. But at some level, you want this communication going on between all of the, you know, parents and the kids and the teachers and those who are involved in carrying out the program. And so this is, you know, while we may not have IEPs for the high ability learners, this is sort of taking that place in a manner of speaking as all the stakeholders work together. [LB103]

SENATOR MURANTE: Right, I would agree. [LB103]

SENATOR EBKE: Thank you. [LB103]

SENATOR GROENE: So really reading this, it's basically an accountability, so that parents, the school district reports to this group what is available at each school. It gives them a report what report what programs are available. There's no dictate here that they have to have a program or expand a program. [LB103]

SENATOR MURANTE: Well, they already have to have a program, that's already in state law. The high ability learning program is, well, the high ability learning program is in the state law that...what is a high ability learner. [LB103]

SENATOR GROENE: The authority to have one, but it doesn't require it. [LB103]

SENATOR MURANTE: Repeat what you... [LB103]

SENATOR GROENE: LaMont was looking. You have the authority to have a HAL program, but does not require it. [LB103]

SENATOR MURANTE: Right, exactly. I apologize, if I...there is not a mandate, but the high ability learning law is a state law. [LB103]

SENATOR GROENE: Any other questions from the committee? Thank you, Senator Murante. [LB103]

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SENATOR MURANTE: Thank you. [LB103]

SENATOR GROENE: Opponents? What's that? Proponents. [LB103]

CARLOS CASTILLO: Good afternoon, Chairman Groene, Senators. My name is Carlos Castillo, I'm a parent in Millard Public Schools, and I'm here today to give you a parents perspective. And I also represent an informal group of parents who are very passionate about this issue and who kind of started this dialogue in Millard. And so I wanted to give you maybe a little bit of history from our perspective as parents. We, about a year or so ago, a group of parents we were at a school event for our kids that were participating in a high ability learning competition. And a lot of our kids are getting ready to transition into middle school and we started to have a conversation about what does that look like for them. We're fortunate at our particular elementary school to have an awesome program with a great teacher, with a principal who has prioritized the program in the school. It's phenomenal and it's done wonders. And so we started talking about what does it look like when we go into middle school. And that is very important in Millard, as some of you may know, because in Millard you have the ability to choose which school you want to send your child to in the district. So a parent has to be able to make decisions about where best to send their child based on programs that are of interest to them. And so we started having this conversation and said well, can we find out some more information. And so as a group we started to do a little bit of research and we found out that the state of Nebraska has this issue by the Nebraska Department of Education, something called Rule 3, which was brand new to us as parents. Rule 3 says a whole bunch of things, but what it does do is require school districts to file paperwork with the Nebraska Department of Education on a bunch of things regarding high ability learners. As parents of high ability learners, that was all news to us. And that seemed like that would be valuable information for parents to have. So we started having conversations about that, we thought well, you know, how do we be active partners in this conversation. So we went to our school districts, just like some of you had suggested, that's where we started. We started with administrators at our school district and state school board members and said, hey, we're passionate parents, we can't be the only ones in the district. This program is throughout the district. Let's get together three or four times a year and have a conversation, that was really all it was. And they said well, we're really not interested in doing that, there are lots of avenues for parents to be involved in their school district. They gave us

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some avenues to be involved with, none of those really seemed appropriate for this discussion, so we went back and kind of kicked it around a little bit. They tasked me with going out and visiting other schools, so that's what I did, I went out and visited. Took some time off of work, went out and visited the Westside Middle School program; went to Gretna, talked to the Gretna Middle School teacher; went to Elkhorn...well, actually I didn't go to Elkhorn, I talked to Elkhorn; talked to some school board members just to gather information. And in the meantime, we continued to have conversations with our school district, hopefully trying to figure out some sort of solution. Well, to make a long story short, they really weren't willing to budge in creating any sort of avenue for parents to be involved in this program that was specifically geared towards this program. And so that's when we decided as a last resort to come see folks down here. From our point of view, that's how the process works. We weren't getting resolution at the local level, so we went and saw Senator Murante and worked on drafting a bill. And from our perspective, I'm not an attorney, from a parent's perspective, it's really simple. It takes like 13 principles in the bill, that are outlined in the bill, those are directly from the Nebraska Department of Education's Rule 3 handbook that's been in place for 20 years, puts them into the bill, they're guiding principles. And then adds one new provision, and it says that if you have a high ability learning program and you're in the Learning Community you have to sit down a couple times a year and talk to parents. For us, it was pretty straightforward and simple, there's no cost to it. It's modeled off of something that's similar in Lincoln Public Schools, which actually is Lincoln Public Schools has a model high ability learning program and I think you can make the arguments because they go out of their way to include the community and parents in those programs. And so we think it's a good step in the right direction, it's pretty straightforward. I can tell you, I personally know all of the parents involved in this. These are the parents that are the first to show up to volunteer, they'll sell cookies, they'll donate time, they'll transport kids to wherever they need to go. These are all...these are parents that just want to be involved in their kids' education, that's it. It's really pretty simple. I mean, we just want to be involved and be advocates for the classroom teachers, advocates for these kids, because a lot of times these kids don't have advocates. Everyone just thinks, ah, they'll be okay, they're really smart. Well, that's not always the case. So that's how we ended up here today. So I'd be more than happy to answer any questions that you may have. [LB103]

SENATOR GROENE: Thank you, sir. Questions? Senator Pansing Brooks. [LB103]

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SENATOR PANSING BROOKS: Thank you, Chairman Groene. Thank you for coming today, Mr. Castillo. Thank you for your advocacy for the kids, it's important. I was just...so when you went to the district, did they say no? The learning community districts? I mean, if it's happening in the Lincoln Public Schools, what is the issue. And again, you heard my question to Senator Murante about the fact that, you know, why does this need to be part of state statute when we're talking about a focus group and trying to work with parents. [LB103]

CARLOS CASTILLO: To me, why it needs to be a part of state statute is probably more of a question for Millard. Lincoln Public Schools has found the need to do it, finds it valuable. I would hope that Millard Public Schools would find the same value of that. And I think their argument, they've been very helpful, I don't want to make it sound like that they, you know, when they see us walking towards the door, they shutter the door. I mean, they'll have conversations, we have good conversations with them. But we have a difference of opinion. They gave us a couple of alternatives to be involved. They said hey, if you really want to make a difference, get involved in your kids' school improvement committee. I sit on my kids' school improvement committee. They meet a few times a year, the first thing they do when you show up is they say, no individual parents' agendas, this is about a holistic approach to a school. I get that, that makes sense. And they said, well, if you really want to get involved further, then get involved in the superintendent's strategic planning committee. I said, okay, I'll get involved in that. How do you do that? Well, they convene every seven years. Well, my daughter will be, and she's in fifth grade, she'll be getting ready to go to college. It didn't seem like a really appropriate way to impact the program. And so the avenues that they suggested in my view just weren't good avenues for parents to really impact the program. [LB103]

SENATOR PANSING BROOKS: Thank you for coming today, Mr. Castillo. [LB103]

CARLOS CASTILLO: Thank you for having me. [LB103]

SENATOR GROENE: Senator Kolowski. [LB103]

SENATOR KOLOWSKI: Mr. Castillo, thank you again for being here. I just wanted to ask because I know every building in Millard has a school improvement team and among the items

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they discuss of course would be gifted, talented programs within their curriculum in every one of those buildings. And that's a structure with the strategic planning that we do in the Millard District that is carried out every year. Did you not find enough information or background within the school improvement team process, which parents and staff members and support staff and school administration and teachers are all involved in? [LB103]

CARLOS CASTILLO: Right. [LB103]

SENATOR KOLOWSKI: And they put those teams together to analyze how much progress we made in a particular year, what our targets are for the next year, that's an ongoing process. What was the gap for you that stuck out. [LB103]

CARLOS CASTILLO: Actually, I find my school improvement committee to be outstanding. The problem is it gives you a narrow look into your child's school, our child's school is great when it comes to high ability learners. It's not that...we're not looking to have a conversation about where we're at, we're looking and interested in having a conversation about where the district is going as a whole. And just to be real honest, one of the things that's troubled me as this conversation has gone along is my kid is doing great in her high ability learning program because we have a principal and a teacher that's prioritized it. What's frankly made me a little bit worried is about the kid maybe two school districts with maybe a higher minority community, with maybe a different socioeconomic status, where the program has high ability learners but for whatever reason it isn't prioritized and they're getting a totally different educational experience than what my child is. And so this has kind of grown into a passion for us, that's it's now not necessarily just about our kids, it's about are we shortchanging other kids in other schools throughout the district. [LB103]

SENATOR KOLOWSKI: District or community? [LB103]

CARLOS CASTILLO: Community, both. [LB103]

SENATOR KOLOWSKI: You meant the 11 districts. [LB103]

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CARLOS CASTILLO: Yeah. Well, I mean, I'm a Millard resident, so I'm here speaking on behalf of Millard so. Yes, sir. [LB103]

SENATOR GROENE: So, sir, is your child already in the middle school? [LB103]

CARLOS CASTILLO: She will be next year. [LB103]

SENATOR GROENE: How many middle schools are in the Millard district? [LB103]

SENATOR KOLOWSKI: Six. [LB103]

CARLOS CASTILLO: Yeah. [LB103]

SENATOR GROENE: And how many grade schools? [LB103]

CARLOS CASTILLO: I don't know. [LB103]

SENATOR KOLOWSKI: I lost track. [LB103]

SENATOR GROENE: So what you're trying to find out right now is which of those six has the best HAL program so you can send here there. [LB103]

CARLOS CASTILLO: Right. And they... [LB103]

SENATOR GROENE: And you haven't been able to find out? [LB103]

CARLOS CASTILLO: It's very difficult for parents to gather that information. And they submit it by school to the Nebraska Department of Education, how much money they get, where they're spending it, performance metrics, but that's hard for a parent to get. [LB103]

SENATOR GROENE: What curriculum are you talking about? Math, science? [LB103]

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CARLOS CASTILLO: It depends on which program your child is in, but it could be math, it could be reading. Generally speaking, from what I have gathered in Millard, the high ability learning program revolves around field trips. [LB103]

SENATOR GROENE: In the middle schools? What about the grade school your daughter...? [LB103]

CARLOS CASTILLO: Grade school varies from grade school to grade school. It just kind of depends on how it's prioritized by that individual principal. [LB103]

SENATOR GROENE: Just as a personal experience, you said you really like where your daughter is at now. [LB103]

CARLOS CASTILLO: Yeah. [LB103]

SENATOR GROENE: What is she in, reading, math, science? [LB103]

CARLOS CASTILLO: Yeah. Reading, math, visual spacial--which would be like the arts. And I can tell you, I mean, my daughter has read more books in elementary school than I read from elementary school through college. I mean, she is in a top-notch high ability learning program. I mean, she is reading five to eight books a year and she's reading three or four grade levels above where she's at. And she's a great kid, don't get me wrong, but she's got a great principal and a great teacher. And we would love, I mean, there are things that other schools in Millard could be learning from what we're doing, but we just have to talk. If you can't talk, if the school district is afraid for parents in different schools to talk to parents in other schools for fear of something than we have a bigger problem. All we want to do is have a conversation so that our kids get a great education. That's it. [LB103]

SENATOR GROENE: Thank you, sir. Any other questions? Senator Kolowski. [LB103]

SENATOR KOLOWSKI: I can assure you there's no absolutely no fear between the district, within building of principals or anyone else to share. We have shared my entire career in that

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district and gotten (inaudible) those things. I hope we can open those doors. And if you've talked to the superintendent and his staff and to help make...have you ever been turned down or turned back by any of those requests for information on a given program? [LB103]

CARLOS CASTILLO: No, but it's very hard for a parent to read, Senator. I mean, it's filed at the state, it's, I mean, in lots of different pieces. It talks about differentiated curriculum and clustering, I mean, it's difficult for somebody who's not in the education field to understand those things. Which is another reason why it's probably good for us all to sit in the same room and just talk about those things so that we can all understand. [LB103]

SENATOR KOLOWSKI: Have you talked to the superintendent about having those kind of meetings? [LB103]

CARLOS CASTILLO: I've talked to the assistant superintendent numerous times, yes. [LB103]

SENATOR KOLOWSKI: But you haven't talked to the superintendent directly? [LB103]

CARLOS CASTILLO: No, my point of contact is the assistant superintendent who handles the conversation. I'm sure she's made him aware that he's meeting with me...or that she's meeting with me. And I just assume that if he's not in those meetings he's got another commitment. [LB103]

SENATOR KOLOWSKI: They have school board members also, have you talked to any of those school board members over time? [LB103]

CARLOS CASTILLO: I have. [LB103]

SENATOR KOLOWSKI: All of them? [LB103]

CARLOS CASTILLO: No, I had a conversation with one, with the assistant superintendent there. I mean, once it became clear what their position was, it didn't seem to me to be very

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productive to continue meeting with school board members when the district already gave me their position. Their position was we're not forming any more groups. [LB103]

SENATOR GROENE: Senator Linehan. [LB103]

SENATOR LINEHAN: Thank you, Chairman. You just said something that I want you to maybe expand upon. It's not specific to this. But I too, since I'm new to the committee, have spent a lot of time on the Nebraska Department of Ed's web site, and I have difficulty understanding lots that's on there that's supposed to be clear and easy to follow. So are you saying that the districts send all the information to the...you are saying I think that they send all the information of what they're doing in their individual schools to the Department of Ed, but you can't just go to the Department of Ed and pull up all the reports from each district or they don't qualify them. Because I've spent, I'll spend a lot more time on it, but I think it's hard to follow their web site too. Has that been your experience? [LB103]

CARLOS CASTILLO: Yeah, I've looked at so many documents, I have a hard time remembering exactly which came from which. But in general, yes, it's hard to get information. And, you know, one of the things that Rule 3 says--issued by the Department of Education--is that a high ability learning program should outline strengths and weaknesses. Well, what Millard does is does that by building and so if you want to know what a strength or weakness is of a high ability learning program, you have to request that information by building. So there's no way...what does my school district think of high ability learning and what's going well and what needs to be improved. So it's really piecemeal and I think that's part of the problem. So you have to go to a lot of different places to get information, either the school district or the Nebraska Department of Education. [LB103]

SENATOR LINEHAN: And just to clarify, alls you've asked for here and this bill does, is for a group of parents with gifted children to meet with the school--a group of administrators and teachers--three to four times a year so you can see what's going on and they can hear your thoughts. That's what this bill does. [LB103]

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CARLOS CASTILLO: Yeah, and I would even say go one step further and not even to hear, just put us to work, tell us what we can do to help you. Everybody talks about parental engagement being the key to academic success, here you have a group of parents who are begging, begging to be involved in high ability learning and we can't find a way to do it. It takes a hearing and state law to make that happen. That, as a parent, to me seems a bit ludicrous. [LB103]

SENATOR LINEHAN: Thank you. Thank you, Mr. Chairman. [LB103]

SENATOR GROENE: Senator Pansing Brooks. [LB103]

SENATOR PANSING BROOKS: Thank you again, Mr. Castillo. I was just trying to...I was wondering do you know if they have focus groups on low ability learners or people that are really struggling? What's...I'm interested in what the whole landscape is. [LB103]

CARLOS CASTILLO: I don't know the answer to that, but I think by how they've answered previous questions regarding the topic, it's their fear that if they do this, then they have to do that for every other group. Of which our response is, if you've got parents knocking on your door, regardless of the group, they want to be involved, we should not be turning them away for fear that it's creating more work or more groups, it's we should be welcoming those. So that's kind of been my sense, is that they want to steer clear of having a lot of these different groups. [LB103]

SENATOR PANSING BROOKS: And has there been an effort through the PTOs and other groups, because certainly I was president of four different PTOs through my kids' schools and education. We had all sorts of committees that we created on various things, and if somebody had said we wanted a group to look at high ability learners or those who are in poverty and highest need or specialty disability learners or something like that, we would have created it immediately and the school would have met with us. So what about that? [LB103]

CARLOS CASTILLO: Not that I'm aware of. [LB103]

SENATOR PANSING BROOKS: No attempts through the PTOs? [LB103]

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CARLOS CASTILLO: Not through PTOs, no. No, we haven't tried that avenue. [LB103]

SENATOR PANSING BROOKS: And why not? I'm just interested. [LB103]

CARLOS CASTILLO: Well, we felt that the conversation was best suited for district-wide, I mean, we were looking for a district-wide conversation, not necessarily at a parent-teacher organization school by school, if that makes sense. [LB103]

SENATOR PANSING BROOKS: I guess so, except that we often went to the school board and voiced our concerns, and found out and worked with other PTOs across the city. So I'm just interested in how that all... [LB103]

CARLOS CASTILLO: Yeah, we have not tried the PTO... [LB103]

SENATOR PANSING BROOKS: Route. [LB103]

CARLOS CASTILLO: Route, yes. [LB103]

SENATOR PANSING BROOKS: Thank you. [LB103]

SENATOR GROENE: Any other questions from the committee? Thank you, sir. [LB103]

CARLOS CASTILLO: Thank you. [LB103]

KRISTEN JOB: Good afternoon, Senators. My name is Kristen Job, K-r-i-s-t-e-n J-o-b. I am a teacher at the Westside Community Schools, secondary hell, 7-12. I live in the Learning Community in Omaha, but today I'm here as a board member of the Nebraska Association for the Gifted. I come here today to request the committee to offer a strong show of support to the passage of LB103, as introduced by Senator Murante. LB103 would provide for school district members of the Learning Community with high ability learner programs to provide administrative and educator support to a focus group designed to advocate for the needs of high ability learners in the Learning Community. This is especially needed due to the vacant position

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of a HAL director at the Nebraska Department of Education. This position normally would have provided the support and advocacy at the local level, but in the age of increasing budgetary cuts at the state and local level, this focus group would help provide a voice for stakeholders in high ability education a chance to come together, learn from one another, and support each other in our endeavour to protect funding and support for our high ability learners in this state while agreeing on common needs and concerns these high ability learners, parents, educators, administrators might have. This group is not a complaint group, but a grassroots effort in support of schools. In a recent article in the Omaha World-Herald, it was noted that each year, from 2009 to 2016, Nebraska is losing more people with advanced degrees than we are gaining. Showing residents that we as a state value and support high ability learners may help turn the tide of brain drain in our state. As an educator, I value parent and community comments, a diverse population of students, and high ability learners are key to this equation. Please show your support to the passage of LB103. Thank you. [LB103]

SENATOR GROENE: Any questions from the committee? Senator Kolowski. [LB103]

SENATOR KOLOWSKI: Thank you, Ms. Job, for your excellent comments. And I couldn't agree more with you. With the additional programs comes additional cost. As a high school administrator for decades, every one of my AP classes, IB classes, anything else, the books turn over quicker, the books are more expensive, the materials are more expensive, the training of the teachers are more expensive. All of that is fine, I'd love to pay all I have to, and I usually wrote my budget to get those things done, because it was that important to our students and to our community. But funding did not increase. Are you advocating for more funding for the schools K-12 so we can do a better job of these? Because you can't do it in a vacuum. [LB103]

KRISTEN JOB: Absolutely. Do I personally support more funding for public schools? Resoundingly, yes. Absolutely. [LB103]

SENATOR KOLOWSKI: Thank you. [LB103]

SENATOR GROENE: Any other questions from the committee? What field are you...do you teach? [LB103]

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KRISTEN JOB: High ability learning. [LB103]

SENATOR GROENE: So English, science, math? [LB103]

KRISTEN JOB: Everything goes, I have to serve... [LB103]

SENATOR GROENE: What age group? [LB103]

KRISTEN JOB: 7-12, seventh graders through seniors in high school. And I have to support all of their needs, whether I am a science teacher one day and an English teacher the next day. That's what's expected of me. [LB103]

SENATOR GROENE: And you're at Westside High School? [LB103]

KRISTEN JOB: Middle school and high school. [LB103]

SENATOR GROENE: So how do you...you go into a classroom and they all show up, or how do you do this? [LB103]

KRISTEN JOB: Every day is a different adventure in my world. They include field trips, we do lots of outside of the box learning, you can't learn everything in the four walls of a school. There's lots of amazing learning that happens outside of the room. I bring technology into the classroom. Last week I facilitated 12 seventh and eighth grad girls doing an e-cyber mission, which included them working on a boat in the Amazon through the National Institute of Health, to diagnose diseases. Tomorrow I'm going to film streams with a group of seventh and eighth graders to watch a foreign film and learn from an expert on that film. On Thursday I will be taking kids to Schramm State Aquarium, where my students will actually get to write the narratives when they redo Schramm State Aquarium. So as you can see, it changes everyday. Sometimes I work four teachers to create lesson plans for them. It completely depends. [LB103]

SENATOR GROENE: How does Westside identify a high ability learner, is it by their grades? [LB103]

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KRISTEN JOB: There's quite a process for that. Test scores are involved, teacher recommendations are involved, parent recommendations are involved, students can advocate for themselves. It's a lengthy process. [LB103]

SENATOR GROENE: Thank you. [LB103]

SENATOR WALZ: I have a question. How much contact do you... [LB103]

SENATOR GROENE: Senator Walz. [LB103]

SENATOR WALZ: I'm sorry. How much contact do you have with the classroom teachers then, on a daily basis? [LB103]

KRISTEN JOB: As much as they request from me. Some teachers will send me an email the night before, saying I have this project I'm starting tomorrow, could you differentiate it for me for seventh grade English. Sometimes they'll ask me to come into the classroom and just work with high ability students or students who are going above and beyond within their classroom. It completely depends, there is no set real format for what I do. [LB103]

SENATOR WALZ: And do you have any input on during parent-teacher conferences? [LB103]

KRISTEN JOB: I'm there, they can come to me. I can show up at a teacher's table. I'm available. [LB103]

SENATOR WALZ: Okay. [LB103]

SENATOR GROENE: Senator Pansing Brooks. [LB103]

SENATOR PANSING BROOKS: Thank you so much, Ms. Job. I just wanted to know I think high ability learners is a different phrase than I'm used to. People are called different things: they're in differentiated education, gifted. Are the high ability learners the top of the students who are in differentiated curriculum or is it all students who are in differentiated? [LB103]

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KRISTEN JOB: It depends on what district you live in, literally. [LB103]

SENATOR PANSING BROOKS: Okay, and Lincoln Public Schools. [LB103]

KRISTEN JOB: You're gifted and talented. [LB103]

SENATOR PANSING BROOKS: Yeah, and they're in differentiated curriculum, so tell me how that differs from high ability learners. [LB103]

KRISTEN JOB: It's a different term, that's the only difference. Each district, according to Rule 3, is allowed their own identification model. The state does not mandate a set identification model, so the language changes. In my program, we're called excellence in youth. We took "high ability" and "gifted" out of the equation completely and came up with our own name. It's just the verbiage depends on what district you're in. [LB103]

SENATOR PANSING BROOKS: Well, I just know that certain kids that have gotten a certain degree of testing where they're at a certain level of IQ in Lincoln Public Schools are given a mentor. And so that's a different level than the kids who are in the differentiated curriculum. So I guess I'm trying to figure out are the high ability learners those who are at the genius level and up or are they all the kids that fit within the differentiated curriculum. What percentage at Westside are and how? [LB103]

KRISTEN JOB: In the high school I currently have 403 students, and that's grades 9 through 12. In the middle school, I have identified probably 147, I work with more than that on both ends. [LB103]

SENATOR PANSING BROOKS: So it's differentiated, not necessarily rising to the level of the kids that need a direct mentor? [LB103]

KRISTEN JOB: We don't offer that program and Lincoln Public Schools is the only school in the state that offers that. So in my district we don't necessarily...we don't really level kids that way. If

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you're identified as a high ability or a gifted and talented learner, you're in the program, you are offered services. It's your choice of what services you want. [LB103]

SENATOR PANSING BROOKS: Okay. Thank you very much, Ms. Job. [LB103]

SENATOR GROENE: One quick question, would this affect Westside or do you already have a parents group you work with? [LB103]

KRISTEN JOB: We do not currently have an organized parent group. I meet with parents during parent-teacher conferences, I answer their emails everyday, phone calls, you name it, but this would be a more organized version of that. [LB103]

SENATOR GROENE: And you agree that that would be helpful to you? [LB103]

KRISTEN JOB: I think any chance stakeholders can come together to learn from each other is going to be a benefit. [LB103]

SENATOR GROENE: Thank you. Any other questions? Thank you, Miss. [LB103]

JOHN THOMSEN: Hello, Senators. Thank you for allowing me the opportunity to speak with you today. My name is John, J-o-h-n, Thomsen, T-h-o-m-s-e-n, no p. I live at 2623 North 145th Avenue in Nebraska. I've been employed in public education for over 40 years, I was a middle school teacher in a Learning Community member school district for 32 years and 22 years of that time was the coordinator of programs for gifted students. I previously was the ESU 3 coordinator of programs for high ability students in the 18 school districts of ESU 3 and I had that position for 10 years. 10 of the 18 school districts are members of the Learning Community, I'm currently the executive director of the nonprofit in Nebraska called the Nebraska Association for the Gifted. The nonprofit has 336 members and contact list in Nebraska of over 3,200. I receive emails daily from across the state and really across the region from those 3,200 contacts. I'm here today to support LB103 as a former teacher in a Learning Community member school. I had the benefit of parent input on a regular basis about the services the school district was providing to high ability students. The regularly planned and scheduled meetings with parents of

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the community and the school district help give me immediate feedback about both positive and critical of the services provided. The meetings between stakeholders and the school were focused, constructive, and always lively. It helped shape and articulate a program that reflected the wishes of the community, while understanding the resources of the school district. While at ESU 3, I worked with 18 school districts of which 10, as I mentioned, are Learning Community schools. Those districts that had parent input to program services for high ability were more viable, visible, planned, and changing with the input from their communities. LB103 has no direct cost to the school district to provide the focus group conversations with the school administration and teachers. Knowing that there is a requirement to have focus groups with a minimum increase...excuse me, knowing that there is a requirement to have focus groups will at a minimum increase awareness of the unique needs of high ability or gifted students and perhaps ultimately direct internal resources of people, supplies, and overt planning for the gifted. Key word there is overt planning. Without LB103 it will be much easier to give a passing lip service to the planning for high ability students. LB103 will help improve the fulfillment of the requirements of Rule 3, LB103 may also give voice to those to support the filling of the vacant Nebraska Department of Education director of high ability learning consultant, as provided in Rule 3. There is nothing wrong in providing structured, planned, and open dialogue from those that have children in our public schools. Communication is the goal of LB103. The Nebraska Association for the Gifted supports LB103 and we have a board of 15 board members from across the state. And that support is widespread with the hope that reality that someday it may help to improve compliance to Rule 3 for all school districts. LB103 is a good step toward LB03 (sic) compliance and the statewide support for gifted education. I really hope that you will consider Mr. Castillo's comments, Ms. Job's comments, my comments in regard to the support of LB103. I'll be happy to answer any questions that you may have of me from my prepared remarks or any of my experiences that I have outlined to you. [LB103]

SENATOR GROENE: Senator Linehan. [LB103]

SENATOR LINEHAN: Thank you, Mr. Chairman. How long has the position at the Nebraska Department of Ed been vacant? You both mentioned I think... [LB103]

JOHN THOMSEN: It's been vacant since July 1 of 2016. [LB103]

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SENATOR LINEHAN: And is it...I know that's not where you work, but do you know are there efforts, have their been interviews? Are they looking for someone else? [LB103]

JOHN THOMSEN: It's been communicated to me that as a result...well, the initial communication, as of approximately June 30, was that it was to be filled January of 2017. However, since there's been a freeze on hiring at the department and the budget constraints from the Governor's Office, I understand that that has been put on hold. But I also find it very interesting that there are other positions that are currently being advertised to be filled, but this is not one of them. [LB103]

SENATOR LINEHAN: So it's not across-the-board freeze, it's just a freeze in some cases. [LB103]

JOHN THOMSEN: I don't know the interpretation of that. That was my understanding, it was across the board. So I found it interesting that some of the positions that were vacant from that July 1, 2016, going forward are now up for filling and they're taking applications, but the high ability learner director position is not. [LB103]

SENATOR LINEHAN: Okay. Thank you very much. [LB103]

SENATOR GROENE: Senator Kolowski. [LB103]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Mr. Thomsen, on the work you do at the ESU 3 group, that's quite a few schools, you know, the districts. Have those districts also had cutbacks in gifted and talented instruction teachers staffing over the last couple of years? Do you have any stance on that? [LB103]

JOHN THOMSEN: Oh, yes, they have. I can name three off the top of my head that have cut the position within their districts, yes. [LB103]

SENATOR KOLOWSKI: And that's all because of the squeeze in budget that they're all feeling at the current time? [LB103]

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JOHN THOMSEN: That may be a contributing portion or it may also be the wishes of the administration school board that that's not as high a priority as it once was. [LB103]

SENATOR KOLOWSKI: Absolutely. [LB103]

JOHN THOMSEN: And I can't comment on that, I don't know. [LB103]

SENATOR KOLOWSKI: And how many do not have anyone in those kind of positions of the 11 districts in the Learning Community for example? [LB103]

JOHN THOMSEN: In the Learning Community, I'm not...of the 10 school districts... [LB103]

SENATOR KOLOWSKI: Eleven. [LB103]

JOHN THOMSEN: ...that are also in ESU 3, those are the ones that I can comment about, there are five in school districts that do not have a formal coordinator designated person to work in the same capacity that you heard Ms. Job talk about in her position. [LB103]

SENATOR KOLOWSKI: 50 percent, thank you, sir. [LB103]

SENATOR GROENE: Any other questions? Senator Linehan. [LB103]

SENATOR LINEHAN: Can you tell us which school districts those are? [LB103]

JOHN THOMSEN: I'm sorry? [LB103]

SENATOR LINEHAN: Which school districts are those? [LB103]

JOHN THOMSEN: Conestoga Public Schools, DC West Public Schools, Weeping Water Public Schools, Elmwood-Murdock Public Schools, and I referenced Springfield Platteview. They have a person at the elementary, but not the middle school. [LB103]

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SENATOR KOLOWSKI: Two of those are in the Learning Community and three are not.  
[LB103]

JOHN THOMSEN: Correct. [LB103]

SENATOR KOLOWSKI: Correct. Thank you. [LB103]

SENATOR LINEHAN: Thank you. [LB103]

SENATOR GROENE: Personal experience is I have a granddaughter in a small town. They just move them up a class, they put them, if they're in the fourth grade, they put them in the sixth grade science class. And in the third grade was in the seventh grade science class. Does that happen on the Learning Community? [LB103]

JOHN THOMSEN: I can't speak for the individual schools within that Learning Community, but you're absolutely correct when you're saying the smaller school district--one elementary school, one middle school, one high school--that's much more likely to happen I think than it would be in a multi-district area. So when you listen to Carlos' comments about the articulation between schools in a larger school district, whether it's a Millard or a Ralston or a Papillion or a Westside, it becomes increasingly difficult I think for the community to get that articulation between schools because there are so many different entities. And the Westside Community Schools there are 10 elementary schools, there's one middle school. So when you look at Ms. Job's position in one middle school, she gets all the input from one school at one time. That may not be true in other larger school districts that have multiple middle schools. And that's why LB103 I think would go a long ways to address the ability to articulate that conversation between schools, and levels between elementary and high schools as well. [LB103]

SENATOR GROENE: Thank you. [LB103]

JOHN THOMSEN: Thank you. [LB103]

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SENATOR GROENE: Any other proponents? Opponents of the bill? Neutral testimony?  
[LB103]

JAN McKENZIE: Senator Groene, members of the Education Committee, for the record, my name is Jan McKenzie, J-a-n M-c-K-e-n-z-i-e. I'm here today in the neutral capacity, representing myself. And I step up in a neutral capacity in order to allow you to ask...well, to provide some background on the programming, the requirement to identify, the funding, and any other questions you might have, as I was the architect of all of those things when I was a state senator and when I was the director of high ability learner education at the Department of Ed. So I have a long, long, long history in this field, and in fact was a...I have a master's in high ability learner education. This is personal, so I get emotional, sorry. And was a coordinator of a program for five years, kindergarten through 12th grade, and also worked at service unit as a differentiated curriculum staff development provider and also worked for a federally-funded research grant at the university through the (inaudible) moneys, which were to identify young children out of other manners other than testing. But just briefly for your information, the first bill was in 1994. That bill was introduced as in an effort to get Nebraska up to speed with surrounding states, that required that we would identify high ability learner students in our schools. That's all it did. And that was a beginning to say let's find them because lots of people say they're not there or lots of people say all of them are gifted. But somewhere in between those two things is the truth, and that's that there are children who enter kindergarten reading at the third-grade level, that know everything in their first three years of curriculum, and they sit and sit and sit until they become behavior problems, check out, or don't care anymore. So once we were going to find these children by identifying them and we used high ability learner because the word gifted was a lightning rod. That was an immediate negative statement to say we're not going to label children gifted. So we struggled to find a word and the term of art at the time was high ability learner. So that's why it says high ability learner in our state statutes and other school districts have taken other approaches to using different terms. About 1998 or 1999, Senator Bohlke, who was Chair of Education Committee at the time, and I was at the department, drafted language to provide the first funding for differentiating curriculum. And that's the sections of statutes that you will see before you in LB103. What we were looking for was a way to provide some funding to school districts on both a grant base and a differentiated curriculum piece per student so that small school districts could send teachers to the Nebraska Association to give a

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conference, to learn about learn about pretesting, compacting, grade skipping, accelerating, different ways that they as regular small school classroom teachers could make a difference for kids who were out of pace with curriculum. The other piece was meant to be there to provide moneys for a differentiated curriculum for students at whatever level they might need. For instance, in kindergarten it might be a first grader going to third grade, different books, different kinds of things, different testing; or at the high school level it might be paying for AP classes or even an on-line class, if they needed calculus and the school didn't provide it. Originally, that bill passed, LB1229, and it was funded to the tune of \$6 million. Ben Nelson was governor at the time and at the signing of the bill he vetoed half the money. So from the get-go we started with \$3 million and that was 2000. And Nebraska has now allocated for this year \$2.1 million and for next year \$2.1 million. So rather than move forward and keep pace with Colorado, Iowa, and Kansas, we have either remained stagnant or gone backwards. We've done nothing to beef up what schools are required to do and quite honestly, we haven't done anything to beef up what the requirements are for the funding. So those are just a few of my personal viewpoints on it and as I said, I can answer about any question you have about the history of it: why it's done so differently across the state in different school districts; what the problems are in doing it in small schools, because I did it there; the problems in larger schools, I know they struggle too. I also worked for a couple years at Lincoln Public Schools part-time as a health instructor, so I'm willing to answer any question you might have or be interested in knowing what... [LB103]

SENATOR GROENE: Any questions from the committee? Senator Pansing Brooks. [LB103]

SENATOR PANSING BROOKS: Okay. Thank you so much for coming, Ms. McKenzie. You're a former state senator, is that what I...? [LB103]

JAN McKENZIE: Yes. [LB103]

SENATOR PANSING BROOKS: Yeah. Thank you for being here, Senator McKenzie. I just I guess you talked about the emotion that you feel about it. Is that because you're feeling pride of authorship or do you...I can't quite figure out why you're coming here in the neutral position. [LB103]

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JAN McKENZIE: That's a good question. Partly because it is pride of ownership and also I just wanted to be able to provide the committee with history. All of you are new to this, I think it's probably the first time most of you had even heard a bill about high ability learner education, and most likely not at all about anything with the differentiated curriculum piece of it. So and I'm passionate about it. As a teacher I became passionate about it, as a regular classroom teacher, and I followed that passion and continue, even though I don't work in that world anymore, I'm still very passionate about advocating for children who need to have more than what the No Child Left Behind world has created, which is not only does no child get left behind, no child gets to get ahead either. And it's...I worked with enough kids, and they're now grown adults with kids of their own, to know that it made a difference for them. And they've been very high-achieving adults. So and that was from a small school. [LB103]

SENATOR GROENE: Senator Kolowski. I'm sorry. [LB103]

SENATOR PANSING BROOKS: That's okay. Thank you, I appreciate that. So you've said that you've watched what's happened and how the funding has basically gone backwards, I believe you said, or down for high ability learners. So was that an initiative to cut funding for high ability learners because of a lack of belief in the learners, high ability learners, or a lack of belief that they need some extra support? Or was that just overall cutting because we're cutting all of education across the board? [LB103]

JAN McKENZIE: Well, it seems that in some cases several times it's been because of budget crunches. And so everyone takes their hit. And I think, rather than potentially losing all of the funds, the NAG Association has always taken the position a little bit is better than nothing. Now, the primary bulk of the money goes to Lincoln and the Learning Community schools because most of the money goes out based on student count. So the schools benefiting and getting the most of the high ability learner funds are Lincoln and Omaha, and it's been very difficult and always has been very difficult to ever get a group vocal enough and adamant enough to come down to appropriations and say, you know, I think Colorado is at \$20 million now. Iowa is way beyond that and they have a special school for accelerated learning and other opportunities that Nebraska students don't have. So we just seem to have a resistance to putting funds into...I think

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you'll hear it a lot, these kids are already smart, they don't really need anything else. And it's very hard to beat that attitude. [LB103]

SENATOR PANSING BROOKS: I agree with you on that point. I guess I'm interested in so of course Lincoln, and I guess I'm looking at your...questioning your statement that you just made that Lincoln and the Learning Communities get more. They have more kids, so they would get a higher proportion. [LB103]

JAN McKENZIE: Yeah. [LB103]

SENATOR PANSING BROOKS: So are you saying they're getting a much greater proportion that's not fair, that no one's getting...or is it just they do get more because they have more? [LB103]

JAN McKENZIE: They get more because they have more students. [LB103]

SENATOR PANSING BROOKS: Okay, thank you. [LB103]

JAN McKENZIE: And it's based on number of identified students. But every school district, if they apply, and they have to match with some of their own money, so one of the problems has been as their budgets got tight in smaller, rural school districts, they don't have even the money to manage to get the grant money so that they could use it for teacher training or other materials for students. And that's been a reality of the overall state funding process for state aid. [LB103]

SENATOR PANSING BROOKS: You've had a lifetime of important work and advocacy and Nebraska is better for it. Thank you. [LB103]

JAN McKENZIE: Thank you. [LB103]

SENATOR GROENE: Senator Kolowski. [LB103]

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SENATOR KOLOWSKI: Thank you, Mr. Chairman. Ms. McKenzie, thank you for your comments and your statements, especially on funding. Those really hit home when you said that and we have been behind the eight ball for as long as I've been in education because it's a very difficult issue to bring forward with people. And we should be embarrassed probably by how we've backslid on how funding and working with those families and those students. And we certainly understand and know how many we have in this state, there are plenty. The cost of any of the programs, International Baccalaureate, AP, dual enrollment situation across the state, on one hand they are helping students defray the cost of college because of the transfer of credit that they can and will earn in those programs. On the other hand, it is hard to continue to grow those programs when we have continuous shrinking budget within K-12 education. [LB103]

JAN McKENZIE: I agree. [LB103]

SENATOR KOLOWSKI: What is the solution in your mind to those things? [LB103]

JAN McKENZIE: Boy... [LB103]

SENATOR KOLOWSKI: You're an ex-senator, so I... [LB103]

JAN McKENZIE: I don't...no, I don't think I get to get in on that argument. And that's why I'm glad I'm not in your seats. [LB103]

SENATOR KOLOWSKI: Sure. [LB103]

JAN McKENZIE: To be honest, you've got a tough road ahead. What I would argue is that high school programs are very expensive. Baccalaureate, dual enrollment, AP is very expensive. What happens in the elementary is key. What happens in the elementary and middle school particularly in social interaction with peers of like mind is critical for kids even having the desire to take AP or dual enrollment courses once they're in high school. If we lose them by third grade, and I can tell you how fast that is to do, they're gone. And it's not that expensive to teach teachers how to compact, pretest, move kids along, give them something else to do. I had to fight to get my kids to go to the high school library because they'd read every book in the elementary library. But if

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they went to the high school library, they might pick out an inappropriate book. Well, I said I would go with them and I would supervise and make sure they did not. But when they've read every book in the library twice, they need to move on and read something else. Those things are easy to do, it's a matter of changing the way teachers think and the way administration thinks about what the walls and the doors in an elementary mean. And to allow kids to move without creating a stigma. And I will also tell you that if you ask any kid when you walk in the door who the smartest kid in the class is, they will tell you, whether you've given them a test to identify them as gifted or not. Everybody knows. Now, we do a good job in sports, and I don't know how we can afford to do that, but maybe we should look at that as a model for how we can move kids at a pace that matches their ability. But that was the last of my soapbox statements. I apologize. [LB103]

SENATOR KOLOWSKI: No, I appreciate it. And sometimes the sports model is by gate only, that's how they keep their programs alive. They don't get funding in some districts at all. [LB103]

JAN McKENZIE: Right, that's true. That's true. [LB103]

SENATOR KOLOWSKI: Thank you. [LB103]

SENATOR GROENE: Can you tell me what the job description of the high ability learning specialist is at the Department of Education? [LB103]

JAN McKENZIE: Well, primarily the person there is in charge of administration of all the funds that are allocated in distributing. They review the grants that come in from the schools and then approve the grants for the funding. They have to verify the numbers of identified students for each school district and then they're in charge of making sure those funds get distributed in a timely manner. They're also in charge of a committee that is...reviews Rule 3 periodically to see if there need to be changes made to Rule 3. But a big bulk of the work of the high ability learner specialist at the department is in-service and teacher training by going out to school districts and doing one-day workshops or two-day workshops or different kinds of work within the school districts. And primarily in rural Nebraska, more than anything, and through the service units to

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try to provide opportunities for teacher training and to work with those school districts to do more. [LB103]

SENATOR GROENE: Thank you. Well, now I lost my train of thought. But I guess I forgot because they handed me a note. So I don't belong in high ability learning, I guess. [LB103]

JAN McKENZIE: And that was gong the gong and get her out of the chair. [LB103]

SENATOR GROENE: No. I guess I know what it was. Who sets the \$2.1 million? [LB103]

JAN McKENZIE: Appropriations Committee. [LB103]

SENATOR GROENE: Well, but who asks for the amount of money, is it the Department of Ed? They can pick the amount they ask? [LB103]

JAN McKENZIE: It's between the Governor's budget and the Department of Education. [LB103]

SENATOR GROENE: We're not involved here in the body except the Appropriation Committee. [LB103]

JAN McKENZIE: Appropriations Committee. [LB103]

SENATOR GROENE: So the Department of Ed brings a request and the Appopriations decides... [LB103]

JAN McKENZIE: And the Governor also includes it in his budget request. So I assume that they've had a conversation. [LB103]

SENATOR GROENE: Senator Erdman. [LB103]

SENATOR ERDMAN: Thank you, Senator Groene. Thank you for coming. I believe that you know your subject very well, and I appreciate you coming to answer those questions, especially

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like Senator Groene had. I'm a new kid on the block and I've been trying to listen in to hearings that I've attended. And we've had several people come and testify in the neutral position, I'm trying to figure out what that means. It is my conclusion from what you've said you seem to be more of a proponent than neutral. Am I correctly assessing that? [LB103]

JAN McKENZIE: I am definitely a proponent of providing programming for high ability learners. As I wanted to just come and provide background information, and you'll find, over time, Senator, that often a department, like Game and Parks or the Department of Education or someone else who has some experience or history, will come in a neutral capacity just to provide that information. [LB103]

SENATOR ERDMAN: I understand what some people call a neutral, but it appears that the conversation usually leads around it one way or the other. [LB103]

JAN McKENZIE: Right. [LB103]

SENATOR ERDMAN: And I have concluded that from my perception of what you said, so I hope I have it right. [LB103]

JAN McKENZIE: Well, I think you could probably look at me as mildly leaning. Thank you. [LB103]

SENATOR ERDMAN: Thank you for coming. [LB103]

SENATOR GROENE: Any other questions from the committee? Thank you, Jan. It was very informative. [LB103]

JAN McKENZIE: Thank you. [LB103]

SENATOR GROENE: Any more neutral? Senator Murante, would you like to close? [LB103]

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SENATOR MURANTE: Sure. Thank you, members, for the very good public hearing and the very good questions. This all started when Mr. Castillo and some of his fellow parents came to me and said, well, what do you think about a focus group for where parents and teachers and administrators all get together and talk about education policy. And it seemed simple enough to me, doesn't seem too complicated. And it appears through this public hearing, which I think is a good thing, is that we have identified perhaps a greater policy questions regarding the investment that we make towards high ability learners, which I think perhaps will yield benefits both in this session and in years to come. And I do think a statement that one of the testifiers made that I think is accurate is that, at least in my experience, the parents of high ability learners, and I'll make a broad sweeping statement that perhaps is an over-generalization, but they tend to be extremely engaged in their school districts, they tend to be extremely engaged in their buildings. And I think to the extent that we can allow LB103 to pass to create these focus groups wherein parents, administrators, and teachers are all communicating with each other then what we are also creating are a series of public advocates for the high ability learning program as a whole. And when this Legislature convenes to discuss funding in years to come, it seems to me that these focus groups will provide an additional emphasis on funding and that may yield more positive benefits than I had even initially intended when I introduced the bill. But I think we perhaps advanced that ball a little bit today. So I would be happy to work with this committee, Mr. Chairman, on any modifications you think is necessary. I think it's a good bill, I don't believe it encroaches on school districts' authority to do much. But I think it is something that can yield very positive results in the future and I look forward to working with you. [LB103]

SENATOR GROENE: Thank you, Senator Murante. Final questions? [LB103]

SENATOR MURANTE: Thank you. [LB103]

SENATOR GROENE: It does assume that these administrators have time for another meeting, though. [LB103]

SENATOR MURANTE: It does make that assumption, yes. Thank you. [LB103]

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SENATOR GROENE: We'll take a five-minute break and then Senator Walz will present her LB235. [LB103]

SENATOR GROENE: We will start the hearing on LB235, presented by Senator Walz. We're ready. [LB235]

SENATOR WALZ: (Exhibit 1) You ready? I'm Lynne Walz, L-y-n-n-e W-a-l-z, and I represent District 15, which is all of Dodge County. Good afternoon, Chairperson Groene and my colleagues on the Education Committee. I'm here to introduce LB235, which would clarify grant requirements for the Summer Food Program. This program originally passed in 2012. This program not only feeds students who may not have access to a hot meal at home, but also provide educational opportunities, activities, and a safe place where administrators can make sure that the child is healthy. Approximately 65 sponsors participate in this program, those programs include schools, faith-based organizations, nonprofits, and libraries, among other private and public entities. A sponsor has anywhere from 1 to 15 sites and can apply for up to \$15,000 annually if it expands or starts a new summer food program. This is a wonderful program that helps low income students, but we need to make this slight modification of the grant requirements to get it to more students, especially in rural Nebraska. For the record, I had hand out copies of the report done by the Food Research and Action Center to committee members. In this report you will see where Nebraska ranks compared to other states, but I do want to highlight a few items from this report. Nebraska ranks 43rd in the ratio of students eligible for free and reduced-price lunch programs that also get served in the Summer Food Program. And while Nebraska's number of sponsors has grown since the program's adoption, the number we serve still lags behind the rate of students served that growth rates of new programs experienced by many other states. Currently, sponsors must prorate their expenses using this program. For example, if a site needs a new refrigerator for milk, they would only be able to pay 25 percent of the cost because they only use it 25 percent of the year. This bill would allow them to expend the full amount when starting or expanding a child nutrition program under this act. Nebraska ranked in the bottom 10 for the ratio of children that qualified for the free and reduced lunch program that use a summer nutrition program. It is essential that we make this program more accessible so that our children, many of whom do not get a good meal at home, can get the nutrition they need to be healthy. This program currently allocates \$140,000 annually for the

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start and expansion of summer food programs. My proposal would not change the appropriations of the fiscal note, just change how the money can be spent. This bill would change it so that you can pay the entire amount through these funds if the equipment were to be used for another food program and would eliminate barriers that prevent new programs from being started. The food costs are covered by U.S. Department of Agriculture, these funds go to building accommodations, kitchen equipment, educational materials, and activities. We are leaving thousands, perhaps millions of dollars the federal government is willing to give us for the reimbursement of food. But in order to utilize the federal funds, we have to increase sites and sponsors to serve more students. I think this bill makes it possible to increase those numbers and I ask for the committee to advance LB235 to general file. Thank you. [LB235]

SENATOR GROENE: Any questions by the committee? Senator Kolowski. [LB235]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Senator, thank you for your opening on the bill. One of the things that is of great concern of course in our state, and we hear the numbers every year, the growing number of students and families in poverty and the increase in poverty over our state as a whole. This certainly would begin to help us in some of those areas and some of the concerns that would go on with a year-long type of program or availability of food for students when they're in different kinds of situations as their school might dictate or wherever they might spend their day. So I thank you for bringing this forward because I think it really again fills a need, fills a gap, and that can have great potentials for our communities. What have you seen on the horizon in any of the discussions with the current administration that is now seated in Washington as far as the Agricultural Department's potential of changing some of these things. Or are there any views on the horizon that might switch some things around that would impact your bill the way you see it at the current time. [LB235]

SENATOR WALZ: You know, not that I know of. And I'm not an expert in the field. And possible the people who are coming up behind me can answer that question. [LB235]

SENATOR KOLOWSKI: Thank you. [LB235]

SENATOR GROENE: Any other questions? [LB235]

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SENATOR ERDMAN: Senator Groene. [LB235]

SENATOR GROENE: Senator Erdman. [LB235]

SENATOR ERDMAN: Thank you, Senator Groene. Senator Walz, I see in there it says that if you start the program or expand the program you are eligible to get all your funds up front. Who will be the one to decide whether those two things have occurred, that you can get all your funds? Somebody's got to make that decision, don't they? You'll have to apply with somebody so they'll know that you have started that program or expanded it. Where does that go? How do you declare, to whom do you declare you've just started or you're expanding? [LB235]

SENATOR WALZ: To whom do you declare that? [LB235]

SENATOR ERDMAN: Yeah. [LB235]

SENATOR WALZ: I would imagine the sponsor. To ask for the equipment up front, is that what you mean? [LB235]

SENATOR ERDMAN: Yeah. Your bill says, on Line 22, it says funds may be expanded "to the full cost of a qualifying expense incurred by a sponsor in initiating or expanding the services" for the summer programs. So someone has to determine whether that program is being expanded or started, so who makes that determination? [LB235]

SENATOR WALZ: I believe it's the Department of Education. [LB235]

SENATOR ERDMAN: Okay, thank you. [LB235]

SENATOR GROENE: Do you know the \$145,000 that's been budgeted every year, is it used up every year? [LB235]

SENATOR WALZ: I don't know that answer. I can find out. [LB235]

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SENATOR GROENE: My question would be then if you expand its usage, the money is already being expended. What good would it do to expand it? [LB235]

SENATOR WALZ: And you know what, I don't think that it is. But again, let me find out. [LB235]

SENATOR GROENE: All right, thank you, Senator Walz. Any other questions? Thank you. Proponents. [LB235]

LINDA RICHARDS: (Exhibit 2) Good afternoon, Chairman Groene and members of the Education Committee. My name is Linda Richards, L-i-n-d-a R-i-c-h-a-r-d-s, and I am the vice president of the board of education for the Ralston Public Schools. I appreciate the opportunity to appear before you today to speak on behalf of the students, staff, and our Ralston community. I appear before you in support of LB235. We appreciate the opportunity to speak on behalf of this bill, as we feel the potential impact for our school district and several other school districts is significant. We are currently a district with 3,300 students, of those nearly 60 percent currently qualify for free and reduced-priced meals in our district. Our district has witnessed dramatic growth in the percentage of free and reduced eligible students. Since 2000, we have doubled the percentage of eligible students. We have several programs we run through our district to help students receive nutrition when they are away from school. Currently, we partner with Woodhouse Ford in our community, a business, to deliver weekend backpacks full of food to our most needy students. We also are very proud to say that our staff at Ralston High School created a food pantry, it was actually started by a student, and our staff helped to support that process. It is for our students and our families in the community. Students or their parents are able to access the pantry every Friday to help them supplement their nutritional and hygiene needs. We also partner with the Food Bank of the Heartland to provide a monthly food distribution at our high school. Each of these events are very well attended and have very much helped the higher need students and the nutrition that they deserve. Each of the past four summers, our district served close to 1,000 meals out to our students in need. We suspect that we have a greater population that is still being underserved by this program as nearly 30 percent of our students live outside of our district, they are students that option-in or open enroll. Our intent, if this bill were to become law, would be to apply for the grant to invest the dollars, \$15,000 as it is prescribed currently, in

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equipment; possibly to also assist with further marketing to coordinate through our districts and surrounding districts around us, to assist as I mentioned those students who are 30 percent of which are not students who live inside of our community. What I will add is that this summer program is really driven by summer learning and so we started years ago with doing programming to help with math and reading and to help our students who were falling behind. And so as a course of doing that, we did see a need for students in providing some opportunities for them to grab lunch, because we did keep them longer past the lunch hour time frame. That is how we initially started to investigate and look at what resources were available to us to do that kind of work. But it's driven for us out of the fact that we can bring students in, do extra learning, reading and writing, as well as math work, that they need to do to either be caught up or to move ahead. And so lunch, in providing that nutrition, has been an added benefit that we can do. I appreciate the fact that Senator Walz brought this bill in anticipation of the fact that it is not trying to add dollars necessarily. It's trying to help us expand our reach and how we can do more good for the students that we serve. I'd entertain any questions that the committee might have. [LB235]

SENATOR GROENE: Any questions? I have one, what is the definition of sponsor? You know, are we talking school districts or...? [LB235]

LINDA RICHARDS: Absolutely, I would think that would be one as I understand in the bill. But I think it also states that it could be other not-for-profit...so like when we have Hunger Free Heartland as one of the entities that we partner with, they've been able to provide those resources for us. So I would think they would also be organizations like that, Senator. [LB235]

SENATOR GROENE: So those individual nonprofit organizations can apply for the grant, or does the school district apply for the grant? [LB235]

LINDA RICHARDS: I think that it has to go through the school district because that's where the reimbursement through the state would come. But it's in that partnership with that sponsor. But I would defer to senator with regard to what her intent is. [LB235]

SENATOR GROENE: Thank you. Senator Linehan. [LB235]

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SENATOR LINEHAN: I just had some questions about the numbers. So if you have 3,300 students and 60 percent of them qualify for free or reduced-price meals... [LB235]

LINDA RICHARDS: Correct. [LB235]

SENATOR LINEHAN: ...it's 1,900 students. And then you use another term in here where you say our "most needy" students. So it seems to me there's like three stages of students. You have students that would fall under the U.S. Census Bureau poverty. [LB235]

LINDA RICHARDS: Correct. [LB235]

SENATOR LINEHAN: And then you have the students, it's what, 135 percent of poverty or 140 percent is free lunch. [LB235]

LINDA RICHARDS: Right. [LB235]

SENATOR LINEHAN: And then 180 percent is reduced lunch. [LB235]

LINDA RICHARDS: Correct. [LB235]

SENATOR LINEHAN: So out of your 1,980 kids, is it like a third, a third, a third? [LB235]

LINDA RICHARDS: I think it's probably, our current number with regard to...it fluctuates by building at a district level. I would say it's probably a third, it might be under a third. We have buildings where it is higher concentrate, where we do actually qualify for the community eligibility provision, the CEP. And so it does, I would say, it's under a third district-wide. But there are concentration points in any given building. So we have six elementary, Senator, one middle, and one high school. [LB235]

SENATOR LINEHAN: So when you say under a third or around a third, that's where they fall under the poverty line. [LB235]

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LINDA RICHARDS: Correct. [LB235]

SENATOR LINEHAN: So is that what you mean when you say our "most needy" students?  
[LB235]

LINDA RICHARDS: I think our term for us, what we look at it as is it is those students who are free and reduced or free lunch students. So of those, obviously the most needy are those who are free lunch students. [LB235]

SENATOR LINEHAN: So there's no difference, the 1,980 is the most needy. [LB235]

LINDA RICHARDS: It is. Right. Yeah. [LB235]

SENATOR LINEHAN: The most needy. Okay. [LB235]

LINDA RICHARDS: Thank you for that clarification. [LB235]

SENATOR GROENE: Senator Kolowski. [LB235]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Ms. Richards, thank you very much for being here today. [LB235]

LINDA RICHARDS: You're welcome. [LB235]

SENATOR KOLOWKSI: Your sponsorships are extremely important. Woodhouse, I've seen that advertisement and great civic outreach. [LB235]

LINDA RICHARDS: Yeah. [LB235]

SENATOR KOLOWSKI: Do you have any food stores that are also part of that... [LB235]

LINDA RICHARDS: Absolutely. [LB235]

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SENATOR KOLOWSKI: ...as far as the in your local or national brands? [LB235]

LINDA RICHARDS: Right. We have a phenomenal partnership with Hy-Vee and I think a lot of communities do. Hy-Vee is an amazing corporate sponsor and helper. [LB235]

SENATOR KOLOWSKI: Yes. [LB235]

LINDA RICHARDS: They take dented product or product that maybe can't stay on the shelves or excess with their sales, large sales. They are currently sponsoring a drive to create an opportunity for community to round up and give to our food pantry that we have inside the school district. So we think there's some great partnerships where we're not...the burden should be spread amongst us in the community and we think that there's some great partnerships that are happening that enable us to serve who we need to serve and be effective in that service. [LB235]

SENATOR KOLOWSKI: Any gardens, like community gardens and such? [LB235]

LINDA RICHARDS: Yes, we do. Again, in partnership with Hy-Vee. They do a granting program and we are able to, we've been able to do, a garden at each of our elementary schools. And it's great because our students man that, so there's a summer learning occurring, as well as we have a requirement for our high school students to do community service. So they have 40 hours of community service that they need to do to graduate, and so those students come and assist the younger students in manning those gardens. [LB235]

SENATOR KOLOWSKI: Thank you. [LB235]

LINDA RICHARDS: You're welcome. [LB235]

SENATOR GROENE: Any other questions? Senator Linehan. [LB235]

SENATOR LINEHAN: Just one more. How many...thank you, Mr. Chairman. How many students are in your summer program? [LB235]

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LINDA RICHARDS: Approximately, depending on, because we run a math, we run a reading, so we run a couple of different cycles, so I would tell you that on average we're around in the 240 to 250 number. And I would tell you that that is again you're identifying because of the scores, test scores. And so we're looking for those who need that assistance in reading, in math predominantly. [LB235]

SENATOR LINEHAN: But clearly that's not your 1,000 that you're looking to serve. [LB235]

LINDA RICHARDS: Correct. And so the program runs where you are able to open the doors not only for the program that you're running, for that summer learning, but the doors opening, that the students who live in that community are able to come during the day to obtain. And so we've seen the number increase and this last year we did serve 1,000 students. [LB235]

SENATOR LINEHAN: You said that 30 percent of your kids are opt-in kids? [LB235]

LINDA RICHARDS: Yes, ma'am. [LB235]

SENATOR LINEHAN: So do they mostly come from a particular school district? [LB235]

LINDA RICHARDS: They don't. I mean, there's a good disbursement of around the community we're surrounded by. We're one of the 11, as you know, in the metro area. So we do see a good distribution amongst a multitude of schools, including private. We've seen an uptake of Catholic school students coming to Ralston, which we're very proud of. [LB235]

SENATOR LINEHAN: Okay. Thank you very much. [LB235]

SENATOR GROENE: Any other questions from the committee? Thank you, Ms. Richards. [LB235]

LINDA RICHARDS: Thank you very much. [LB235]

SENATOR GROENE: Any other proponents? [LB235]

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SHARON DAVIS: (Exhibit 3) Good afternoon, I'm Sharon Davis, director of nutrition services with the Nebraska Department of Education. My name is spelled S-h-a-r-o-n D-a-v-i-s. And I've been with the Department of Education for six years and served as the director the last two years. And I'm going to detour a little bit from my planned information that was providing because Senator Walz has covered that fairly well. And I think there's a lot of questions that you have that maybe I can help answer. I've provided a packet of information for you. Quite frequently we run into individuals who know little about the Summer Food Program, so the very first piece of information I've provided is from the Food Research and Action Council, and it's just an overview of the Summer Food Program. It talks about sponsors and sites and how they become eligible and the benefits of the summer food program. So it's an opportunity just to provide you a little bit of education on the program itself. The next piece of information that I created was a fact sheet about Nebraska and Summer Food Service Program in Nebraska and it includes the information that Senator Walz included regarding the number of sponsors we have and the number of meals we serve. But it also provides a little historical perspective for you on the LB1090 grant and show you, since it stated in 2013, we've gone from two awards up to seven awards last year. And the grant awards funds have increased from \$14,000 to over almost \$44,000. So in response to the question have we spent the \$140,000, no. And what we find is that because summer runs for such a small portion of the school year, when you look at nine months versus two weeks, to four weeks, to six weeks, that prorated amount is so small that the schools don't apply for the grant or the our sponsors don't apply for the grant or they don't have the funds to cover the larger portion that remains. So we feel that this will help us to fully expand and utilize those funds that have been allocated to us. And as an agency, we oversee the Summer Food Program, but we also oversee the award grant application. It is a competitive award application, they have to show us how the funds they're going to use are going to be used for expansion and what the outcomes they feel they're going to get from the use of those funds. The fact sheet also tells you some of the things that the money has been spent for. A majority of it is spent on equipment, but I thought, you know, last year we had...no, two years ago, we had someone that did mosquito control and we've seen a lot of outdoor summer foods sites now. They're at parks and recs there in the evenings. And I thought, what a wonderful use too, you know? Kids aren't going to come if they're going to smack a mosquito on their elbow every one in a while. The last piece of information I have provided was a list of our sites that we had by county in 2016. And so, you know, I wasn't sure of all the school districts that maybe were in the

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committee region, so I thought this might be a good way for you to look and see how many feeding sites we have in your area. So the Nebraska Board of Education has voted to support this bill and I'm hoping that you will advance it also. And I would like to answer any questions you may have. [LB235]

SENATOR GROENE: Any questions from the committee? Senator Kolowski. [LB235]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. My only question is one of the...in the new current administration, anything that you're hearing as far as the Ag Department and any possible changes that might be coming down to the states? Any early signs of anything, because that impacts things. [LB235]

SHARON DAVIS: As far as the Summer Food Service Program, I think it will remain an initiative just because it's designed to fit the need. When school is out, summer food is in, so it helps to fill that nutrition gap. And the nice thing that I think that the Ralston superintendent...sorry, I forgot her position, mentioned that was by a school can serve as what we call an open site, which means that it's not for just the children that are attending school. But they can open their doors and members of the community can also come in. So a school, even though it serves primarily for summer school, it does open its doors to the community and we see students or children taking advantage of that, children and families. [LB235]

SENATOR KOLOWSKI: Right. Good to hear, thank you. [LB235]

SENATOR GROENE: This program, none recurring expenses. So its initial start-up of a program, right? [LB235]

SHARON DAVIS: That's correct. So in other words, some of the salaries that we have paid for are things like extra outreach efforts where they're maybe donating funds to a boy scout troop or a girl scout troop and so they donate funds for them to go out and do a door to door campaign. It might be salaries for, what we know in summer food is if there's activities for the kids to participate in, we see a higher number of participants, so we encourage activities. And so you can also train individuals in maybe you want to teach soccer or you want to teach badminton as

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part of your activities. They can use the funds to train the individuals that would work with the students on the rules and regulations. [LB235]

SENATOR GROENE: But once a school district has a summer program, they can't apply for it again, unless they do it another building? [LB235]

SHARON DAVIS: No, they may apply, it's just it's the recurring expenses. So a salary of a cook is not something that we would pay for because that's a recurring expense within the program. Outreach efforts, unless they're different from the year before, we would not pay for. So it's a recurring expense. [LB235]

SENATOR GROENE: So they ask, they itemize, and they send you an application for a grant for certain expenses, right? [LB235]

SHARON DAVIS: That's correct. [LB235]

SENATOR GROENE: This addition to the bill would do what? It would allow them just to take the \$15,000 and spend it? [LB235]

SHARON DAVIS: No, what it does is it allows them to apply for the full amount of a piece of equipment as long as it's being used in another child nutrition program, which includes: school lunch, school breakfast, fresh fruit and vegetables, special milk, and then our Child and Adult Care Food Program. So if they participate or are using that equipment to serve any other children in those programs, then they can apply for the full cost of the equipment. [LB235]

SENATOR GROENE: So it's portable equipment to keep food hot. [LB235]

SHARON DAVIS: Right. [LB235]

SENATOR GROENE: The things that they take out for these field trips that you were talking about at the zoo and stuff. [LB235]

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SHARON DAVIS: That's correct. [LB235]

SENATOR GROENE: But instead of prorating over the year, they can just purchase it. [LB235]

SHARON DAVIS: That's correct. [LB235]

SENATOR GROENE: And they have to document in their grant what they're buying. [LB235]

SHARON DAVIS: Right. We have them submit bids, so the federal regulations related to procurement requires at least three bids. And so we ask them to submit those bids with their application. [LB235]

SENATOR GROENE: So when you ask Appropriations for money, if you have \$55,000 left over you ask for \$90,000? Are you maxed out or do you get \$145,000 each year? [LB235]

SHARON DAVIS: We return what we do not spend. [LB235]

SENATOR GROENE: Thank you. Any other questions by the committee? [LB235]

SHARON DAVIS: Thank you. [LB235]

KAITLIN REECE: (Exhibits 4, 5, 6, 7) Good afternoon, Chairman Groene and members of the Education Committee. My name is Kaitlin Reece, K-a-i-t-l-i-n R-e-e-c-e, and I am the policy coordinator for economic stability and health at Voices for Children in Nebraska. I'm also submitting letters of support from Nebraska Appleseed, Community Action of Nebraska, and Food Bank of the Heartland for the record. Although it is only January, many of Nebraska students are likely already looking forward to summer break. For many children in families struggling to make ends meet, however, summer is a time of uncertainty and dread. Access to regular meals at school, either through free or reduced-price school breakfasts or lunches can end abruptly. The Summer Food Service Program helps ensure that millions of children living in low-income areas across the country do not go hungry when the school year ends. Nebraska continues to lag in its participation and school nutrition programs. There are only 8.5 student

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nutrition participants for every 100 participants in the free or reduced lunch school meals program. Not surprising then, Nebraska ranks 46 in our level of participation in the Summer Food Service Program in 2016. This poor ranking has real consequences for Nebraska families. One in seven Nebraska families don't know where their next meal is coming from. In 2012, the Nebraska Legislature created a summer nutrition grant program to respond to child hunger in summer months. The grant program, operated through the Nebraska Department of Education, provides one-time grants to schools, government entities such as local health departments, and nonprofits who are seeking to start or expand their summer nutrition program. The grant program has had some major successes as you heard, including the Food Bank of the Heartland's mobile canteen, whose innovative approach to bring meals to children in their own neighborhood. However, the program has not reached its full potential due to the current requirement for prorated expenses. LB235 represents a simple, common sense solution to address artificial barriers and red tape that currently prevent many of Nebraska's hungry children from accessing nutritious meals during summer months and allows the program created in 2012 to work as intended. Childhood hunger has a serious and long-lasting impact on children's development and academic performance, and has been linked to a variety of adverse outcomes, from psychological to behavioral. Although consistent access to food is related to poverty, research tells us that these two operate independently. Children in households that are both low-income and food insecure demonstrate poor outcomes at significantly higher rates than low children who did not experience hunger. Most concerning, particularly in light of our state's investments in juvenile justice reform over the past several years, research regarding food insecurity in older children demonstrates young adults experiencing hunger often cope by making choices that offer short-term survival but are self-sabotaging in the long-term. These included failing classes to qualify for summer school, and therefore summer meals, stealing, and engaging in survival sex. As one young child stated, a lot of people are choosing to be in jail rather than be on the street. Increased access to summer nutrition programming means fewer kids go hungry, while also bringing additional dollars and economic opportunities to Nebraska communities across the state. Estimates show that if summer nutrition programs reach just 40 percent of free and reduced lunch participation during the school year, local communities would see an infusion of resources totalling over \$2.8 million in federal reimbursements. Voices for Children in Nebraska supports LB235 because of its potential to increase access to nutritious meals for Nebraska's children by allowing more sponsors or would-be sponsors to apply for the

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funds to start or expand programs. We see LB235 as an important part of addressing childhood hunger in Nebraska, particularly when the school year and school meals end. Thank you.  
[LB235]

SENATOR GROENE: Thank you, Kaitlin. Any questions from the committee? Senator Erdman.  
[LB235]

SENATOR ERDMAN: Thank you, Senator Groene. Thank you for coming today. So if this bill passes, how many more students...did you say we're reaching about 8.5 for every 100? [LB235]

KAITLIN REECE: Yes. [LB235]

SENATOR ERDMAN: How many more students will we reach if we pass this bill? How many students are we going to get? [LB235]

KAITLIN REECE: Well, some of that depends on how many sponsors or would-be sponsors apply. I believe Sharon Davis, and I think it's in the letter that she provided, they have some outreach efforts that they planned for the western part of the state that would expand in the areas that currently do not operate a summer foods program. And so I think that would go a long ways. I don't know that there's a specific target number. Obviously at Voices for Children we'd like to see as many students as possible be able to get a warm meal in the summer. But I do know that the department already has plans on how they could do outreach into additional areas if this grant funding was freed up from this regulation. And if it's not there, I'm sure either myself or Sharon can follow up with you, Senator, for that information. [LB235]

SENATOR ERDMAN: Okay, thank you. [LB235]

SENATOR GROENE: Any other questions? Senator Linehan. [LB235]

SENATOR LINEHAN: Thank you, Mr. Chairman. You said that one out of seven kids' families don't know where the next meal is coming from. [LB235]

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KAITLIN REECE: That's correct. [LB235]

SENATOR LINEHAN: So I think, if my math is right, that's 14 percent of the kids in the state. [LB235]

KAITLIN REECE: Yes. [LB235]

SENATOR LINEHAN: So is there an effort that you know of at the districts, I mean, I don't know if the districts schools can actually identify those kids that fall in that 14 percent. Is there any specific effort made to make sure those kids are pulled into this program? [LB235]

KAITLIN REECE: So many of those students I believe would be eligible for the program and I'm not...Sharon might be able to answer that question. Or I can follow up with you afterwards. [LB235]

SENATOR LINEHAN: Okay. That would be good, thanks. Thank you, Mr. Chairman. [LB235]

SENATOR GROENE: Any other questions by the committee? Thank you. [LB235]

KAITLIN REECE: Thank you. [LB235]

SENATOR GROENE: Any other proponents? Any opponents? Any neutral testimony? Senator Walz, would you like to close on LB235? [LB235]

SENATOR WALZ: Thank you. And thank you to those who came and testified today. Thank you, committee members for listening and considering LB235. Again, I believe that this is a wonderful program that allows us to expand our summer food program for children without adding additional cost. I'd be happy to work with...work out any concerns that you have with the committee members and I hope that you will advance this to General File. Thank you. [LB235]

SENATOR GROENE: I should have asked Sharon this question, but there's a pretty good list of programs already. I think she has one, two, three, four, five, six, six and a half pages. So my

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assumption is a lot of these programs have started up without any grant, they've just done it on their own and applied for the summer food program without the Nebraska grant. Is that correct? [LB235]

SENATOR WALZ: I, oh, go ahead. [LB235]

SHARON DAVIS: About 70, almost 75 percent of our summer sponsors are in schools. So the program and the facilities are there, it would allow them to improve. Or what we're seeing is a lot of our schools are even doing, are moving their programs to a park or serving other sites that aren't in the school, so they can serve the meals, transport the food to those other sites. [LB235]

SENATOR GROENE: So if they're in the school, they already have the equipment and employees and everything so. [LB235]

SHARON DAVIS: Right. But there's always a need for more equipment. And plus if we go with the mobile, which seems to be a trend, is they need that type of equipment so that their food safety concerns are addressed. The hot foods are hot, the cold foods are cold. [LB235]

SENATOR GROENE: But what percentage of these four and half pages started up because they received the grant, or they just started up and then got the federal summer food program? [LB235]

SHARON DAVIS: That started? [LB235]

SENATOR GROENE: Because of the grant, of these four and a half pages. [LB235]

SHARON DAVIS: Well, most of them are using them for new sites, not so much a new program, if that makes sense. For example, the Food Bank, with their mobile truck were able to, they started off with two mobile sites and they're up to nine mobile sites now. So that those funds help them expand the number of sites they could serve. [LB235]

SENATOR GROENE: Yes. I'm not making myself clear. [LB235]

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SHARON DAVIS: Okay. [LB235]

SENATOR GROENE: This list you gave us. [LB235]

SHARON DAVIS: Right. [LB235]

SENATOR GROENE: This is summer food program. [LB235]

SHARON DAVIS: Those are all feeding sites. [LB235]

SENATOR GROENE: Yes. How many of those were started with grants from this program?  
[LB235]

SHARON DAVIS: Well, most of our schools have been in place long before 2013. [LB235]

SENATOR GROENE: So 10 percent, 15 percent, 5 percent? [LB235]

SHARON DAVIS: I would say smaller than that. Probably five. [LB235]

SENATOR GROENE: All right, thank you. Thank you, I appreciate you coming back up.  
[LB235]

SENATOR WALZ: Me too. [LB235]

SENATOR GROENE: Thank you, Senator Walz. That ends the hearing on LB235. Committee  
want to continue, does anybody need a break? Let's go on. We will go on to LB109, Senator  
Carol Blood. [LB235]

SENATOR BLOOD: (Exhibits 1, 2, 3, 4) I apologize in advance for my voice, I'm under the  
weather. So good afternoon, my name is Senator Carol Blood, C-a-r-o-l B-l-o-o-d, and I  
represent District 3 in Sarpy County--Nebraska's fastest-growing county. I would like to thank  
Senator Groene and the Education Committee for the opportunity to bring forward LB109.

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LB109 is one of two bills I have worked on to help eliminate hurdles that military spouses find upon transferring to our great state. This bill specifically addresses educators and would amend the current process. As many of you already know, 68 percent of married service members have reported that their spouse's ability to maintain a career greatly impacts their decision to remain in the military. According to a survey of active duty spouses by the Defense Manpower Data Center, 77 percent of military spouses report that they want to find work or need to find work. In a May, 2016 report published by the Military Times, unemployment and underemployment of military spouses not only affects individual families, but it is costing the U.S. economy to the tune of approximately \$710 million to \$1 billion a year. This amount is a combination of lost federal tax, unemployment benefits, and costs of healthcare issues related to unemployment. This does not include the additional loss of income tax that would have been paid by the spouse, which is estimated between \$578 million and \$763 million. Military spouses are faced with unique challenges in starting and maintaining a career as a result of the lifestyle they lead, that requires frequent moves and occasionally serving as a single parent while their husband or wife is deployed. It should also be noted that the annual percentage of the military spouse population that moves across state lines is 14.5 percent. It's quite an eye-opener when you compare it to the only 1.1 percent of civilian spouses that move. In my research, it's been made clear that the most common profession, and definitely the number one licensure requirement for military spouses falls in the category of pre-kindergarten through 12th grade teachers. This is thought to be between five and six percent of the military spouses workforce. As Governor Ricketts noted in his state of the state address this year, licensing reform is a Nebraska priority. Nebraska offers the opportunity for current out-of-state teachers to qualify for certification in Nebraska based on examination of current credentials, verification of experience, and completion of appropriate skills and subject examinations. After discussing this proposed bill with organizations such as the NSEA, the Nebraska State Education Association, it was proposed that Rule 21 would address the concern of our military spouses attempting to seek work as educators in Nebraska. That rule states that a conditional permit may be issued while the application for a certificate or permit is being processed by the department. If the Nebraska school system requests and the commissioner determines that the documents and information submitted by the applicant would allow for the issuance of a certificate or permit sought by the applicant pending receipt of any additional documentation. After speaking with numerous constituents, I'm finding that many cases this is not always the practice. I feel this bill compliments Rule 21 by providing a six-

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month window and creates a greater urgency that would then allow the recipient the time needed to receive their permanent certificate or permit, helping to better expedite the process. As the legislative body of the state of Nebraska, we must continue to strive to create legislation that supports Offutt Air Force Base, and estimated \$1.3 billion in economic impact it brings to our state, as one of the largest employers and as an important economic engine for the surrounding communities, Bellevue being one of them. As you know, one way we can protect the base and keep its assets in Nebraska is to continue efforts to make Nebraska a welcoming state for service members, retired military, and their families. Today we have multiple letters of support to share with the committee and I believe there may be citizens here in the gallery who would like to also speak on the bill. I would like to note that Colonel Reynolds wife, Deanna, Colonel Reynolds is the head of the 55th wing, is here and she and retired air force Rick Cox's wife, Mary Macias-Cox, are both here. They come and speak first, because I know they need to get back to Bellevue. With that, I would ask that you consider this bill, that it goes through for debate onto the floor. At this time I'd be happy to answer any questions. [LB109]

SENATOR GROENE: Any questions from the committee? Senator Erdman. [LB109]

SENATOR ERDMAN: Thank you for coming, Senator Blood. I got a question on Page 3, Line 5, it says "temporary certificate or permit issued under this subsection shall be valid for six months." Was there any consideration given to other people who move here besides military spouses? [LB109]

SENATOR BLOOD: There was not because that's not been brought forward to me. Specifically, this is one of two bills I've been working on with military spouses because Offutt Air Force Base is such a strong economic engine. I think NSEA could speak better on behalf of that. But what we're finding is, and one of the people will come and speak on it, military spouses seemed to be the most frustrated with this issue. So it was not taken into consideration, because specifically I was addressing military spouses. [LB109]

SENATOR ERDMAN: Because there is a portion of the state that goes west of Omaha a little bit and some of those people move there, their husbands or wife take a job there, and they are

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teachers. And this would not apply to them. And for our area, that's just as significant as it is Offutt Air Force Base for yours. [LB109]

SENATOR BLOOD: I wouldn't disagree with that. [LB109]

SENATOR ERDMAN: I would assume that a certificate of temporary issuance would be important to our section of the state, as well as yours. [LB109]

SENATOR BLOOD: I would not disagree with that. I think NSEA and some of the other people are here who would be able to speak on that better. But not to sound selfish, but I represent District 3 with Offutt Air Force in my own backyard literally. And that was my priority because of what they bring to the state of Nebraska. But I do not disagree with that in any fashion. [LB109]

SENATOR ERDMAN: Thank you. [LB109]

SENATOR GROENE: Senator Ebke. [LB109]

SENATOR EBKE: Is six months enough? [LB109]

SENATOR BLOOD: Is six months enough? [LB109]

SENATOR EBKE: Yeah. [LB109]

SENATOR BLOOD: I think when you hear some of the speakers today you will find that they think six months may be too long. [LB109]

SENATOR EBKE: I wonder if it's enough time. Somebody moves in in April and they're hired in May, is it six months from the point of hire or six months from the point of the start of the school year? And then the question beyond that is okay, what happens if we get six months in and for whatever reason, they've come from Maine, and they haven't been able to process things yet. Then what happens to their classrooms? [LB109]

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SENATOR BLOOD: Well, if I hear you correctly, one of the things that I think is really important in the bill is that we're asking for comparable certification and education. And so if indeed that is the case, the process really shouldn't take more than six months, regardless of where it comes from. Because so many states now have a (inaudible) agreement where they do expedite any information that pertains to military spouses. [LB109]

SENATOR EBKE: Thanks. [LB109]

SENATOR GROENE: Any other questions? 79-813 says "The board may authorize the issuance of certificates or permits to applicants who hold a valid certificate or permit currently in force in a state other than Nebraska if the requirements for the certificate or permit held." Apparently, the frustration is it's taking them a long time in today's world of technology and certification, and we're going to hear from some of the folks how long it's been taking for the state board to allow these people to teach? [LB109]

SENATOR BLOOD: Exactly. And I don't fault the state board. What I'm trying to do is create a sense of urgency because I do see, and again, I think Colonel...I'm drawing a blank...Reynolds wife will give you a really good example of what she had to go through. And so let's hear her timeline and hear kind of what she went through. Mary Macias-Cox is going to talk about what she had to go through for a different type of certification, but she can share with you some of the frustration that the military wives go through. We want them to stay in Nebraska and I want to do anything I can to eliminate these hurdles. So I'm not saying that necessarily anything with the board of education is wrong, what I'm saying is that I think we can expedite it. [LB109]

SENATOR GROENE: So they get a temporary, but then they go through the normal process and within that six months they should probably... [LB109]

SENATOR BLOOD: Right, but a sense of urgency is created. [LB109]

SENATOR GROENE: And they should, the board, should be able to do the normal process within that six months, is that what you're thinking? [LB109]

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SENATOR BLOOD: As long as they have comparable education or experience. [LB109]

SENATOR GROENE: Thank you. Any other questions from committee? Senator Kolowski. [LB109]

SENATOR KOLOWSKI: I mean, thank you, Mr. Chairman. Senator Blood, the differences between some states are significant. [LB109]

SENATOR BLOOD: Absolutely. [LB109]

SENATOR KOLOWSKI: And when they find themselves in a transfer situation, I wonder about the six months also, if that's enough time. Because depending on the state they come from, they might have a deficiency compared to something we require in Nebraska for certification in ed technology or curriculum background or anything of that nature that might come into a classroom and be of use for elementary, middle, or high. I've seen transfers like this that didn't get hired in certain situations because of the background they've had. They had to go take, you know, 3, 6, 9, 12 hours of college classes... [LB109]

SENATOR BLOOD: Right. [LB109]

SENATOR KOLOWSKI: ...before they were certified for our state. Seems like ridiculous hoop jumping, especially if they'd been employed and done things in different places. But we do have more reciprocity than we've ever had before, it's getting better, but it's still not a perfect scale. [LB109]

SENATOR BLOOD: And I would agree with you. I think if you read the bill you'll see that our expectation is that the education experience is what we would expect in Nebraska, which we have quite a high standard. [LB109]

SENATOR KOLOWSKI: Absolutely, thank you. [LB109]

SENATOR GROENE: Thank you, Senator Flood. [LB109]

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SENATOR BLOOD: Blood. [LB109]

SENATOR GROENE: Blood. [LB109]

SENATOR BLOOD: That's all right, you're 1 of 100 people that have done that this week.  
[LB109]

SENATOR GROENE: Wasn't ever good at phonics. But anyway, proponents? [LB109]

DEANNA REYNOLDS: Thank you, committee, for listening to my story today. I hopefully will be brief. As Senator Blood stated, my name is Deanna Reynolds, Deanna Reynolds, and my husband is the current 55th Wing Commander at Offutt. And I come into this in a unique situation, I've been a military spouse for 23 years, we've moved 13 times. And in the first 10 years, I was a jack of all trades. Basically I had to recreate myself every time we moved, and coming with a political science degree into a new city and having to do that was very, very difficult. After about 10 years, I decided I needed to go back to school, I got a master's degree in curriculum and instruction in the state of Arizona and I have been teaching in Arizona for 13 years. Upon moving, or finding out that we are PCSing to Nebraska, I did some research into the process as to how I could do this. And I should state actually, prior to many moves earlier, I had taught in the state of Virginia, and Virginia's process was seamless. And I was sort of under the impression that maybe every state would be just as friendly to military spouses as Virginia was. Basically I had to have three years of teaching experience, I had to have a current license, a valid license in another state, no deficiencies on my license, I had to have all of my transcripts from grad and undergrad submitted to the state, and I also had to have a letter of recommendation from a former administrator. And so they wanted my \$60 and I had to take one on-line class on child abuse and my full professional license came from the state of Virginia. And it was fabulous, I found employment right away and I taught in Virginia for two years, until we were PCS back to Tuscon. Unfortunately, when we got to Nebraska I saw in very bold letters on the Nebraska state web site that there is no reciprocity in the state of Nebraska for teachers outside. So I called the Department of Education and I've talked to two different people, and was basically told because I'm from the state of Arizona, Arizona is not a Praxis state. We have our own Arizona Educator Proficiency exam that we have to take, so there's a professional exam and

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then I had to take a content area exam for the five different content areas that I am currently certified to teach in. So basically I was taking a two-hour exam for every area that I had to teach in. And the lady at the office told me that this is not going to work, I will have to go through a transitional program that will be at least 18 semester hours of additional training for me, as a 13-year teaching veteran with a master's degree, to teach in the state of Nebraska. Unfortunately, that is not going to work. We are currently on five months left at Offutt, I mean, my job as a wing command spouse did not allow me to actually end up teaching anyway, I do a lot of work with the military spouses on our base and that kept me very, very busy. But it was also very disappointing. That is basically a half of another master's degree that I would have to come to Nebraska to get that type of education to teach here. And so it's very, very frustrating. So I come here on behalf of all military spouses and ask your consideration to please allows some leeway in the spouses coming in. I'm fortunate that I do not have to work, unfortunately, there are many enlisted spouses and younger officer spouses that that is a requirement, they financially have to work. And when a barrier such as this is presented to us, they're going to have to go do something else besides teaching. And there are some fabulous teachers out there that I think that Nebraska would be more than happy to find, that would be very happy possibly even staying in Nebraska after their piece, you know, after their time here. This is a great state and we very much enjoyed living here. So I will stop at that, if there's any other questions for me on the process or my experience with this. [LB109]

SENATOR GROENE: Thank you, Mrs. Reynolds. Any questions from the committee? [LB109]

SENATOR LINEHAN: I have a quick one. Where did you get your undergraduate? [LB109]

DEANNA REYNOLDS: At University of Montana, I'm a Montana native. [LB109]

SENATOR LINEHAN: Both master's and bachelor's? [LB109]

DEANNA REYNOLDS: Master's was in California. [LB109]

SENATOR LINEHAN: Thank you. [LB109]

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SENATOR GROENE: Even with six months they'd have made you take 18 credit hours, right?  
[LB109]

DEANNA REYNOLDS: Yeah. That would not be enough time for me personally, but that's from my...I mean, Arizona, because Arizona is not a Praxis state. There might be teachers coming in and I have other spouses that I've spoken to on this, this is very much an initiative that I am very, very supportive of. And I've talked to other spouses that the process was difficult, they had to start it way in advance, but they were able to get certified here because they did have their Praxis.  
[LB109]

SENATOR GROENE: What's the major states that where the Air Force bases are where they transferring to Nebraska? [LB109]

DEANNA REYNOLDS: Oh, it's hard to say. We, because of the community that we're in, my husband flew the EC130, and that was down in Tucson and also if falls under the 55th Wing, so for us it's very easy to come here. We have a lot of spouses that are actually transferring from over to Melton Hall, over to Kadena, and so we've got spouses that are also coming from overseas into Nebraska that are teaching in DOD schools now. But it's hard to say because I have friends from all over that are coming in as spouses here. [LB109]

SENATOR GROENE: Thank you. Any other questions? Thank you, Mrs. Reynolds. [LB109]

DEANNA REYNOLDS: Okay, thank you. [LB109]

SENATOR GROENE: Any other proponents? [LB109]

MARY MACIAS-COX: Good afternoon, Senators. My names is Mary Macias-Cox, M-a-r-y M-a-c-i-a-s-C-o-x. Although I'm not an educator, I'm here to testify in favor of LB109. As a spouse of a former retired United States Air Force member, I did not move to Nebraska by choice, but because my husband was in the military. Although, I fell in love with Nebraska, we retired here. I own a business in Bellevue. So we're around the military community all the time. What people don't understand, and I hope that you will, is that as military spouses, we're uprooted all the time,

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one community to another. And that can pose both a professional and a personal hardship. On a professional level, I have a bachelor's and then I also decided to go to cosmetology school and so I'm a certified cosmetologist. And when we made the move to Nebraska and I tried to apply for my license, I sadly found out that there was no reciprocity with Nebraska. Nebraska does not offer any other states reciprocity on licensing. So that was very frustrating. And I'm here to advocate for military spouses simply because, like Deanna said, you know, we depend sometimes on the income of our careers while our husbands or wives are deployed. And sometimes that's all we have to hang onto. So when you come into a state and they make it difficult to move on or to settle down and form, you know, some sort of community with the existing community, when you can't do what you love, then the hardship starts extending. Which is why at times there's a lot of broken families, because the stress of deployments, the stress of feeling unsettled in a new community. So I hope that you will consider LB109 in support of military spouses so that we can be able to settle in Nebraska. Nebraska is one of the states that is the most difficult to transfer into and that is very sad. I will answer any questions that you may have. [LB109]

SENATOR GROENE: Thank you. Adam (inaudible). [LB109]

SENATOR MORFELD: First off, thank you, Chair. Thank you for coming today and I apologize to the committee, I have to teach a class, so I have to leave in a few minutes actually. But did you say that you're still having trouble transferring into other professional licenses like cosmetology? [LB109]

MARY MACIAS-COX: No, no. [LB109]

SENATOR MORFELD: Okay. [LB109]

MARY MACIAS-COX: What happened was 10 years ago. [LB109]

SENATOR MORFELD: Oh, 10 years ago. [LB109]

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MARY MACIAS-COX: Yes, and but it's still difficult. I own a salon and spa in Bellevue.  
[LB109]

SENATOR MORFELD: Okay. [LB109]

MARY MACIAS-COX: So we are in constant interaction with the military community because they support our business. And every time a military family moves in and they're seeking employment and they have to transfer some sort of license or accreditation, it is the same thing. I mean, I commend Nebraska because their standards are high, but... [LB109]

SENATOR MORFELD: Okay. Well, and the reason why...definitely. And the reason why I bring that up is my priority bill that was passed into law two years ago actually made it so that it required the Department of Health and Human Services for that side of licensure, and I think cosmetology and some other things are included in that. It required them to accept. [LB109]

MARY MACIAS-COX: It's still a challenge. Yes. [LB109]

SENATOR MORFELD: It's still a challenge. So that's why I'm interested, I wanted to...so you and I can talk off the mic after this, but I'd be interested in talking to you afterwards. [LB109]

MARY MACIAS-COX: I would be happy to because it's still... [LB109]

SENATOR MORFELD: And I'll give you my information before I go because my father was a former Marine of 26 years, so I understand what that's like, particularly for my stepmother and my mother to a certain extent for a while. And so any way that we can help. [LB109]

MARY MACIAS-COX: I'm sorry. Sometimes what happens is that people are not as assertive in seeking information. Ten years ago, Senator Hagel, I called his office and I said, you know, how can you help me. And they pointed out the patriots and sailors act, which is no longer, you know, in effect, but there's some sort of stipulations that help military but not as strong as they should be. [LB109]

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SENATOR MORFELD: That's good to know and I appreciate you coming today. And I certainly appreciate the concept behind Senator Blood's bill and I obviously want to hear some of the details in how it would work out. But let's talk offline after this, I'll give you my information. [LB109]

MARY MACIAS-COX: Thank you. Any other questions that I can help with? [LB109]

SENATOR GROENE: Any other questions from the committee? [LB109]

MARY MACIAS-COX: Thank you. [LB109]

SENATOR GROENE: Thank you. [LB109]

DAN DONOVAN: Chairman Groene and members of the Education Committee, my name is retired Colonel Dan Donovan, D-a-n D-o-n-o-v-a-n. I am currently and have been the president of the Heartland Chapter of America Military Officers Association of America. I will shorten that Military Officers Association of America, MOAA, in my future sentences that I have here. Our MOAA mission...oh, first of all, I wanted to say we are here as a proponent, or I am here, as a proponent of Senator Blood's bill and we appreciate her for sponsoring it. Our MOAA mission is twofold, one is to support a strong national defense; and secondly, to advocate for the entitlements earned for military members, which includes veterans, active, retired, guard, reserve, their survivors, and their families. And it's in this latter case, where we're talking about the families. We're targeting the spouses of the military member and this allows our military spouse teachers to have a streamlined process to be in the classroom as soon as possible after their arrival at a Nebraska location. Nothing in the bill changes any other requirement or a standard to get a permanent license or certificate. Again, we applaud the bill's intent and urge its approval as another positive step in making Nebraska more accessible and friendly to military families and spouses across the military member. While the fiscal note is almost minimal or nonexistent, it would further enhance our position as a good place to bring missions and people to our state. It could help end the brain drain from Nebraska, as a military spouse well-established in a school system would be a prime factor in determining when their spouse is ready

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to retire or separate from the military whether or not to stay in the state of Nebraska or to move elsewhere. And sir, this concludes my testimony. Are there any questions for me? [LB109]

SENATOR GROENE: Thank you. Any questions from the committee? Thank you. [LB109]

DAN DONOVAN: Thank you. [LB109]

BRYON LINE: Thank you, Mr. Chairman and the members of the committee. My name is Bryon Line, B-r-y-o-n L-i-n-e, I am a retired army officer, civilian defense intelligence officer, national security professional, and also a business executive in the defense sector. I was struck by the importance of LB109 for all of the reasons that have been previously spoken. But what appeals to me particularly as a retired intelligence officer are these points. The first is, all through my career in the various kinds of fields that I was in I intersected with the problems of spouse employment at many, many times. I was always in a leadership role in every organization or position that I held and the matter of spousal employment was a constant. And the most common skill areas were that of teaching. And I do know of the states in which reciprocity was minimal, my business in Virginia, for example, made it very easy I know for folks to move into teaching. It also...teachers of course made marvelous intelligence professionals as well, they brought the right kind of skills, the interest in research, languages, history, sciences, the whole area of knowledge so important to the kind of work we did on behalf of the nation. Coming home to Nebraska after about 30 years away, and I've been home about 6 years now, I am struck by the importance of the fact first of the brain drain, which does seem to be a very real thing both for the younger generation coming up and for those of us who for various reasons decided to want to return to Nebraska after being away in the world for a very long time. And I think it is important to make it as easy as possible for those who do come to the state, whether they were originally Nebraskan, as I was born here, or others who have come as a matter of military deployments. To the issue of military deployments and permanent change of station, I think we all know that...just in my military career, beginning around 1981 and just ending last summer in domestic Peace Corps, full federal service that entire time, the rate of deployments and the cycle of deployments has accelerated enormously. And it is no longer a function of having a long period of time to go somewhere, do a fairly routine sort of job, important but training and sort of garrison-based as we used to call it. Things have devolved to more or less continuous state of

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war, to constant deployments, and to the effects upon military families, which I think are greatly accelerated. To me, it just makes the importance of making this process, of taking these highly qualified people--teachers--and I come from a teaching family, my parents were special education teachers, my family was a superintendent in a special education district. But to accelerate or make it keep that process, given the pressures that are now in place on the modern military and on the spouses to provided income, to provide economic security, and to quite frankly bring the sorts of experiences. They have national experiences, they have international experiences, and I can't think of anything that would be more wonderful than to have those kind of folks able to teach in the state of Nebraska, bringing the sort of skills and the knowledge that they bring. With that, sir, I finish my remarks. I'm open of course to your questions. [LB109]

SENATOR GROENE: Is there any questions from the committee? Thank you, sir. [LB109]

BRYON LINE: Thank you, sir. [LB109]

SENATOR GROENE: Any other proponents? Proponents? Any opponents? Any neutral testimony? [LB109]

BRIAN HALSTEAD: Good afternoon, Senator Groene, members of the Education Committee. For the record, my name is Brian, B-r-i-a-n, Halstead, H-a-l-s-t-e-a-d. I'm with the Nebraska Department of Education, we're here in a neutral capacity. I would tell you the board and the department are fully aware of the military families and their rate of transfer and mobility in our country. I will tell you I am currently the state's commissioner on the military compact for the education of children and have just returned from their meeting in Orlando last October. We're fully aware of the mobility of that. The department and the board are always looking to provide as much flexibility with the statutory authority this Legislature has given the board. If you look to the statutes that control the current certificates, it's 79-806 through 79-815. It is a series of statutes, it's not a single statute. What I would tell you is the board has promulgated Title 92, Nebraska Administrative Code, Chapter 21, or you will hear us say Rule 21, that governs the minimum requirements for all of the certificates and permits that the statutes enacted by this Legislature allow them to promulgate the Rule. In the sense that I heard one of them talking about Praxis and Praxis tests, well, the Legislature requires every applicant for any certificate for

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a permit to have to pass a basic skills examination and the state board has selected a Praxis test for basic skills testing. There is no statutory authority for the State Board to have a test for a certificate. We do have tests for the endorsed areas that will be placed on a certificate, and we started doing that just recently because of the national movement that you need to demonstrate your content knowledge before you're shown to be an expert in that way. So there are a number of Praxis tests we've identified for endorsements to be placed on certificates. The State Board met this morning and decided to be neutral on this bill because they wanted to understand what the concerns were. And obviously there are five members of the State Board who have been sitting in this room, so if there are problems with Rule 21 and its lack of flexibility around the statutes you've enacted, I think they've heard. So we'll certainly go back and examine the issues. There are a whole number of certificates or permits in Rule 21 that can be issued to people. If throughout it if you have a regular teaching certificate from another state, you file an application, you pay the fee, you provide your transcript, you provide us the evidence of the certificate in another state, you will get a Nebraska initial teaching standard or professional certificate. If, however, you attended or come from another state, you did not attend a standard institution of higher education--that's what the statute requires--that had a program approved by that state for the preparation of teachers, then there may be more steps you have to do to get the full-fledged certificate here in Nebraska. You can get provisionals, you can get transitional, you can get...someone mentioned the conditional permit, I think it was Senator Blood. That language was inserted so that you can, if you've got a job right now and you need it, but you don't have all your transcripts, all your paperwork, you can get that. You just need the school that's employing say please issue it to you, you will get that. That is as good until you can get the transcripts and all the documentations that Senator Blood's bill say you need. We put that into place late last century when the issue of the mobility started to occur. So we try to be as flexible, obviously. I think the Colonel's wife, Mrs. Reynolds, indicated even with Senator Blood's bill she wasn't going to meet the minimum requirements in Nebraska that the statute and regs have and she would have to work longer. Well, we do have high standards in Nebraska, so I know we want to work with the military, we know they're mobile. And if there's anything else I can do to answer questions, I would be more than happy to do it. [LB109]

SENATOR GROENE: Senator Pansing Brooks. [LB109]

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SENATOR PANSING BROOKS: Thank you. Thank you for coming, Mr. Halstead. I'm just interested why would she not meet the standards, can you give us a...because we got... [LB109]

BRIAN HALSTEAD: Well, I didn't...she even, I thought, she acknowledged it. [LB109]

SENATOR PANSING BROOKS: I know she said that. [LB109]

BRIAN HALSTEAD: Even if this bill I wouldn't be able to meet the six-month requirement. So six months is the time period for you to show from another state that you've met the comparable requirements in Nebraska, you've been issued a regular certificate in that state. So I'm taking her comment as being...she has a master's from the state of Arizona, I don't know what institution she earned the master's degree from. [LB109]

SENATOR PANSING BROOKS: It was from California. [LB109]

BRIAN HALSTEAD: Don't know what the bachelor's degree was. I'm sorry, California. She came from Arizona, excuse me. So in the sense of those are the details as to where the education was obtained. I did ask her after she testified if she had ever applied for a certificate, she didn't. The Rule has in there if you're being denied, you can appeal to the Commissioner and to the State Board if you feel you have the requirements that are there. So she did call our office at the department and talk to different people. I don't know the whole conversations or what specifically that was. It is correct there is no statute that this Legislature has enacted that says you've got a license, certificate, or permit from another state you are automatically given a Nebraska one. That hasn't been the approach of the Legislature in the past, nor the State Board. We do have some standards. So I can't speak to her's and anything, I'd certainly like to see what she has, what her qualifications are and everything else. She may have qualified, I don't know. [LB109]

SENATOR PANSING BROOKS: So have you had discussions with Senator Blood on that? [LB109]

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BRIAN HALSTEAD: I had a conversation with Senator Blood's staff member last week to ask is there a particular case or is this general. And he indicated he wasn't aware of a particular case. When I walked in this afternoon, I actually had the opportunity to sit next Senator Blood and I just personally...is there a particular, she says yes, there's two people from the military who are here who have problems. Okay? That's what we've listened to, so in that regard that's the first I knew of that. But that doesn't matter whether we know of it. We need to give people the ability to meet the minimum standards Nebraska wants for teachers, and I think the board would tell you there are numerous opportunities under Rule 21. But if there's something in Rule 21 that's keeping someone from getting a certificate that the minimum statutes you've enacted have in place, then they're certainly willing to discuss that and look at the Rule. [LB109]

SENATOR PANSING BROOKS: Thank you. [LB109]

SENATOR GROENE: Did you have...you had your hand up earlier. [LB109]

SENATOR LINEHAN: I did have a question. Thank you, Mr. Chairman. You say we have standards. You're not implying that Arizona or Virginia don't? [LB109]

BRIAN HALSTEAD: I do not know the standards that Arizona or Virginia or California have, each state sets their own standards. [LB109]

SENATOR LINEHAN: So it's my understanding, and I've got a lot to learn as you know, and I appreciate you helping me here, we have a compact with different states for nurses. I think there's 24 states, if you're a nurse in one state, Virginia being one, you come to Department of Health and Human Services and you automatically if you're qualified in Virginia to be a nurse, you're qualified in Nebraska to be a nurse. Do we have anything like that with education? [LB109]

BRIAN HALSTEAD: This Legislature hasn't enacted a compact or joined a compact in that regard. That would be something the Legislature could do. I'm not aware of one right now, but there may be a compact for educators. I would tell you if you read through Rule 21 you'll see numerous places where we say "comparable or equivalent in another state." [LB109]

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SENATOR LINEHAN: Do we have any states that we know we are comparable to? [LB109]

BRIAN HALSTEAD: If you're coming from Kansas, Colorado, any of our neighboring states, you attended a standard institution of higher education, because that's what the statute says, that has an approved program for the preparation of teachers, you will get a Nebraska certificate. That's our comparability. [LB109]

SENATOR LINEHAN: So Kansas, Colorado, are there more? [LB109]

BRIAN HALSTEAD: Oh, Iowa and Missouri. We have teachers crossing the border all the time in that regard. [LB109]

SENATOR LINEHAN: So could you get us a list of the people that can automatically, that you know they're qualified if they come from those, they've been teaching in those states? [LB109]

BRIAN HALSTEAD: Well, you're not automatically. You have to apply and show that, just like (inaudible). But yes, I'm sure we can try to get you of the states that have comparable and equivalent to Nebraska. I don't know if we have it update, but I'll certainly try to get you what we can. [LB109]

SENATOR LINEHAN: Mrs. Reynolds mentioned 18...she said when she called... [LB109]

BRIAN HALSTEAD: Right. [LB109]

SENATOR LINEHAN: ...she seems like she recalls very well, that she called the department and she was told that she would have to take 18 hours. Do you have any idea what that's about? [LB109]

BRIAN HALSTEAD: Well, I suspect it references one of the provisional or...I got to think of the name of the permit that if you've never attended a standard institution of higher ed with a teacher preparation program then we do require that you have to have X-number of hours of teacher preparation before you can get a different certificate or permit. Not knowing her particular facts

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and what they were discussing and her background, I can't tell you. But there is one certificate of permit in here that does have that. There is a transition to teaching, so if you have a bachelor's degree but it wasn't in a teacher ed program that was approved in that state, like myself--a Bachelor of Arts in political science. If I were willing to go back and take college credit hours to get that, I could eventually get the full-fledged regular certificate. I would get a transition to teaching while I'm working on getting my full-fledged degrees underneath that. And I believe we require if you're doing that we also want to see that somebody is employing you, so that there's the immediate need for you teaching without the full-fledge. That's why the employment. So if you've got a school system, and that can be public, private, denomination, parochial, or any of those who want to use you as a teacher, a simple letter is all it takes from them saying we'd like to hire her to do that. [LB109]

SENATOR LINEHAN: Okay, thank you. [LB109]

BRIAN HALSTEAD: Sure. [LB109]

SENATOR LINEHAN: Thank you, Mr. Chairman. [LB109]

SENATOR GROENE: Senator Kolowski. You had your hand up. [LB109]

SENATOR KOLOWSKI: Thank you. Brian, if you're...if I'm coming from Illinois and I have a National Board certification, am I accepted in Nebraska? [LB109]

BRIAN HALSTEAD: We recognize that in Rule 21 right now. [LB109]

SENATOR KOLOWSKI: No problem at all. [LB109]

BRIAN HALSTEAD: I'm not sure whether you'll get a professional or a standard, but I think we do recognize the National Board certification as being...yeah. [LB109]

SENATOR KOLOWSKI: Thank you. [LB109]

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SENATOR GROENE: Senator Pansing Brooks. [LB109]

SENATOR PANSING BROOKS: So, I'm sorry, I just have one more. So if somebody is applying like from Kansas or Colorado, they've gone to a standard school, as you said with teacher's training, how long til, from the time that they first apply for the certificate, does it usually take? [LB109]

BRIAN HALSTEAD: And all of the paperwork is on-file at the department? [LB109]

SENATOR PANSING BROOKS: Yeah, I guess. [LB109]

BRIAN HALSTEAD: I would think it's probably a week or less. [LB109]

SENATOR PANSING BROOKS: Okay, so it's not six months usually or something? [LB109]

BRIAN HALSTEAD: It should not take that long. Now, if you're...let me...if you're applying in August, which is when all of our certificates expire, and you need it right away, okay, then you probably need to let us know that. Because about 11,000 applications a year the office handles. They move sort of in waves and cycle. May graduates, you'd be amazed the office gets a little busy in April, May, June. August, because that's when all certificates or permits expire, so everybody is renewing in August. So if you started early, that's great, but if you forgot and now you need it before August 31, there's that wave. And then we have the December graduates. So those are your peak times. I can certainly check with our teacher certification office and they may be able to give us numbers and estimates on time windows. If it's all on-file at the department, it's already been there, it's more an analyst just looking at it to confirm it and pushing the button so the system does what the system now does. It used to all be paper and you had to go through paper files. We actually printed a certificate that was mailed to you, now it's all electronic, so it's e-mailed to you if you give us an e-mail address. So we tried to automate the system, too, to make it quicker and more responsive. [LB109]

SENATOR PANSING BROOKS: Well, it would be nice to I think work with Senator Blood and make sure what is really happening. [LB109]

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BRIAN HALSTEAD: Absolutely. [LB109]

SENATOR PANSING BROOKS: And anybody who is in the audience that needs to contact the department, you know, work together. Because obviously we want to facilitate, since work force development is one of our highest priorities in our state. You know, if we're hindering the ability of people to get jobs precipitously or just unreasonably, that doesn't make sense. If there's a disconnect somewhere, we need to figure it out and find it. So I appreciate your coming and pointing this out and I'm sure Senator Blood will be working with you on this too. Thank you. [LB109]

BRIAN HALSTEAD: Absolutely. [LB109]

SENATOR GROENE: Any other questions? Mrs. Richards (sic) apparently has a certificate from Arizona, she taught for 13 years. Is that not right? [LB109]

BRIAN HALSTEAD: That's what I think I heard her say. She has... [LB109]

SENATOR GROENE: One of your first statements, Brian, was that if you have a certificate from another state and you show up it's a pretty quick process. [LB109]

BRIAN HALSTEAD: If you have a regular certificate from another state, which means you attended a standard institution of higher ed, that's the definition the Legislature uses in the act, that has an approved program for the preparation of teachers and you got a... [LB109]

SENATOR GROENE: But apparently Arizona does not have that. In order to teach, you must have some type of certificate. [LB109]

BRIAN HALSTEAD: Arizona may have multiple pathways, multiple difference. That's why I can't speak to Arizona law, I can't tell you what she may have had and that's why I said if I had the details that would be great for us to look at to see whether, one, I hope our staff on the phone call gave her the correct information; and two, what programs she did complete in Arizona or...wait a minute, bachelor's degree in one state, California for the master's degree. I don't know

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what type of certificate or permit she got from Arizona. There are many states who are challenged by finding qualified people, so they have set different levels for what they need. [LB109]

SENATOR GROENE: So what you're telling this committee is before we act on this bill we need some clarification and you need to talk to Mrs. Richards (sic) and Senator Blood and find out actual cases? Not enact law on our assumptions. [LB109]

BRIAN HALSTEAD: Sure. Well, what I do know from talking to Mrs. Reynolds, she never applied. So she never even appealed anything. She had a phone conversation with staff in our office and she stopped at that point. [LB109]

SENATOR GROENE: Oh, I'm sorry. [LB109]

BRIAN HALSTEAD: So again, we certainly, if she has more details and information and what everything, that would be helpful to us so we can fully understand the nuances of her past and what she had in Arizona and what the barrier was to Rule 21. [LB109]

SENATOR GROENE: Thank you. Senator Ebke. [LB109]

SENATOR EBKE: You referred to the standard institution of higher education. [LB109]

BRIAN HALSTEAD: Yes. [LB109]

SENATOR EBKE: Okay, how do we define that? Or do we? [LB109]

BRIAN HALSTEAD: You do. The Legislature defined a standard institution of higher education as being, and now I may need my readers because I'm getting old and my eyesight. [LB109]

SENATOR EBKE: Uh-oh. And the light's not good. [LB109]

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BRIAN HALSTEAD: Without a lot of light. "Standard institution of higher education means any college or university, the teacher education programs of which are fully authorized by the board or approved in another state pursuant to standards which are comparable and equivalent" to the standards set by the State Board. That's your definition of standard institution of higher education that they... [LB109]

SENATOR EBKE: Clarifying. [LB109]

BRIAN HALSTEAD: If you'd like, Senator, if you want to read Section 79-806, 79-807, 79-808, 79-809, 79-810, 79-811, 79-812, 79-813, those are what guide the State Board in any regs. Yes. [LB109]

SENATOR EBKE: I wonder if one of the problems that we have, especially where the military community is concerned, is that, and I can't speak to Mrs. Reynolds or anybody else, but I think that there are fair number of military folks that end up, because of frequent transfers, end up going through a less-traditional form of education for either bachelor's or master's degrees. And, you know, whether it's University of Phoenix or one of those types of institutions, I wonder if that gets us into trouble with respect to certification. [LB109]

BRIAN HALSTEAD: Well, the details would be helpful in that regard. And as I said, I think I still have five State Board members who are listening, so they may want to know what we're doing in the details so that they can have an idea of what they may need to do or whether they can under the statutes you've enacted make a difference to that so. [LB109]

SENATOR LINEHAN: I know we only...I'm sorry. Okay, so the Legislature passed that language and saved me hours of trying to figure out who did what. Do you know when that was passed and how long it's been in the law and who might have been the chairman? [LB109]

BRIAN HALSTEAD: The act was first enacted in 1963 and numerous sections of that have been amended over the years. [LB109]

SENATOR LINEHAN: But that specific language you just read to Senator Ebke. [LB109]

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BRIAN HALSTEAD: The definition of standard institution of higher education was enacted in 1963. It was last amended in 2003. [LB109]

SENATOR LINEHAN: Could you provide me what it said in '63 and what it got changed to in 2003? [LB109]

BRIAN HALSTEAD: I'm sure if we look. [LB109]

SENATOR LINEHAN: You don't have to do it right now, but just... [LB109]

BRIAN HALSTEAD: Your staff can look up the LB number and everything just like I can do. I'll leave a copy of this. [LB109]

SENATOR LINEHAN: Okay, thank you. [LB109]

BRIAN HALSTEAD: Yeah, absolutely. I don't know it right off the top of my head. But if it says 2003, that would have been the same year we were going through the budget cuts of the 9/11 recession. So there were things we were trying to do at that time to scale back some of the specified requirements, but I don't recall that one right off the top of my head. Yeah. [LB109]

SENATOR LINEHAN: Okay, thank you. [LB109]

SENATOR GROENE: Any other questions from the committee? Thank you, Brian. [LB109]

BRIAN HALSTEAD: You're welcome. [LB109]

JAY SEARS: Good afternoon, Chairman Groene and members of the Education Committee. For the record, I'm Jay Sears, J-a-y S-e-a-r-s, and I work for the 28,000 educator members of the Nebraska State Education Association. Let me first of all say we're testifying in the neutral position. We have, I sat down and talked with Senator Blood about her LB109. I didn't talk much because I had no voice and I hope I didn't give you the...I'm sorry, I don't have much of a voice today either. But when we sat down on Thursday or Friday last week and talked about it, I didn't

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have one at all and so I was trying to gather what Senator Blood was doing with LB109. And it makes some sense and I applaud Senator Blood for taking into account, even though her legislative district is mainly Bellevue and Offutt, how we can help military spouses get into occupations in the state of Nebraska. I have a little military background, not much, I'm a retired staff sergeant with the Nebraska National Guard 43rd Army Band, and so I understand the military command and structure and the fact that many of our soldier citizens are transferred often and move. And it's difficult to find roots and do that and I know that many of our military families come back to Omaha and the Offutt area because of the experience that they have. And so, you know, I'm not going to repeat what Brian did because, you know, that's the other piece that I have spent my 45 years in education is working with the Department of Education on certification issues. And we are proud about the standards that we have for teachers and so some of the issues that you run into is if I come from another state I have a couple of deficiencies but the department in Rule 21 has modified that over a number of years where I get a permit right away to teach. If I have a job I can get in, I can teach if I can present that, you know, I have a certificate someplace. There may be a deficiency of I may have not have passed the Praxis content test at the same level of Nebraska requires. For example, a music teacher in Iowa on the Praxis test only has to score two points lower than Nebraska's. I don't know if that makes our music teachers better in Nebraska, but that's where we set the cut score because that's where our candidates were scoring at the time. So, you know, as I said, I've got 45 years of knowledge of what Nebraska does in the certification area. My responsibility at NSEA is to work with our 14 members on the advisory body to the State Board of Education on teacher certification, on accreditation of educator preparation institutions so I know how those rules get developed, I know how our teachers and our administrators, and our school board members, and our higher ed members on the Nebraska Council on Teacher Ed advise the state board on setting the minimum standards for educators in the state of Nebraska. And I know it seems like a lot of hoops and so if we can, you know, advance that process more, I asked Senator Blood about the six month piece because there are permits and certificates that you could have for two years while you're finishing that process, not just six months. And the conversation that we had was how do we advertise that here's the process if I'm a military spouse and I'm going to be stationed at Offutt and I want to teach because I was teaching in Virginia or wherever. How do I get my license so I can do that, so I can go to Bellevue Public Schools or Papillion or Omaha or any one of the other area schools around the Bellevue community so that I can teach, because I want to continue my

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profession? And if any of those people call the NSEA, they always give them to me, and I always say call the Department of Education. Here's what you're going to need, here's the process, and we can get you in if people will hire you. So that's what we're about. I look forward to working with Senator Blood and the Education Committee if there's ways that we can expedite that process for our military spouses, I'd be glad to help in that process. So thank you for the opportunity and good day to you. [LB109]

SENATOR GROENE: Questions from the committee? Senator Pansing Brooks. [LB109]

SENATOR PANSING BROOKS: I think I should have asked Mr. Halstead, but thank you for coming, Mr. Sears. I just am interested, do you have any idea how many apply and how many are denied? Percentages? [LB109]

JAY SEARS: I have...but yeah. [LB109]

SENATOR PANSING BROOKS: So I think that would be something good for (inaudible). [LB109]

JAY SEARS: But I would imagine it's not many. [LB109]

SENATOR PANSING BROOKS: Okay. [LB109]

JAY SEARS: I can give you, as Brian was talking about the surrounding areas, the big hurdle probably is the statute that was set by the Legislature about human relations, the one about special ed; and then if I have to take a Praxis content test, meeting that score. So those are the probably two biggest hurdles. For those of you who are attorneys, not much unlike meeting the board's process, or if you're a doctor or a nurse so. [LB109]

SENATOR GROENE: Any other questions? Thank you, sir. [LB109]

JAY SEARS: Thank you. [LB109]

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SENATOR GROENE: Any other neutral testimony? Senator Blood, would you like to close?  
[LB109]

SENATOR BLOOD: I want to repeat the number that it's thought that kindergarten through 12th grade educators is 5 to 6 percent of the total spouse population in the military in the United States that are teachers or that are struggling with this issue. I am open to amending this bill as long as we don't lose the intent. And the intent for me is one of not just this bill, but another bill in addition to this, that we say that we are welcoming as a state. It is based on a bill that has been very successful in Florida. One of my brothers actually moved from Nebraska to teach in Florida because they paid him twice as much than they did in Nebraska, and at two years older than me he's already retired. And it's been very successful in Florida. You'll notice that New York State has something comparable as well, I don't think that...we are not trying to ignore the fact that Rule 21 offers the ability to do the same thing. We're trying to create a sense of urgency and I can't stress that enough. And I think that if we don't use the word military spouses, that it's not going to be clear that that's what we're doing. And with that, I would ask that if indeed that you're open to any changes that would make you feel more so that you would like to support it, that you please come and speak with me and allow me to get it through committee and onto the floor for debate. And again, I am very flexible and open to any suggestions. But again, I can't stress enough when I went door to door, and I knocked on thousands of doors, Papillion has a substantial amount of retired military and Bellevue has a substantial amount of active military, and I heard the same story over and over again with almost all certifications. And I appreciate your time today, thank you. [LB109]

SENATOR GROENE: Wouldn't it be better if we readdressed it and went after all certifications?  
[LB109]

SENATOR BLOOD: I actually have another bill, LB88, that has like another 20 certifications on it that has to go to Health and Human Services. So yes, absolutely, but I was... [LB109]

SENATOR GROENE: That's why you divided the issue. [LB109]

SENATOR BLOOD: Right, I was told I had to. [LB109]

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SENATOR GROENE: All right, thank you. Any other questions? Thank you, Senator Blood.  
[LB109]

SENATOR BLOOD: Thank you, Senator. [LB109]

SENATOR GROENE: That brings to an end the hearing on LB109 and that brings it to an end  
our scheduled hearings for today. There will be no exec. [LB109]